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Official Report

Bengal Legislative Council Debates

Third Session, 1940

December 9—December 12, 1940

BENGAL LEGISLATIVE ASSEMBLY
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BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Mr. SATYENDRA CHANDRA MITRA, M.L.C.

DEPUTY PRESIDENT.

Khan Sahib ABDUL HAMID CHOWDHURY, M.L.C.

SECRETARY TO THE COUNCIL.

Dr. S. K. D. GUPTA, M.A. (CANTAB.), LL.M. (CANTAB.), LL.D. (DUBLIN), Barrister-at-Law.

ASSISTANT SECRETARY TO THE COUNCIL.

Mr. S. A. E. HUSSAIN, B.L., Advocate.

REGISTRAR TO THE COUNCIL.

Mr. T. M. PAUL, B.A.

PANEL OF CHAIRMEN.

1. Mr. KAMINI KUMAR DUTTA.
2. Begum HAMIDA MOMIN.
3. Raja BHUPENDRA NARAYAN SINHA Bahadur.
4. Mr. J. B. Ross.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Education Department.

The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of the Public Health (including Medical) and Local Self-Government Departments.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar, in charge of the Communications and Works Departments.

The Hon'ble Mr. HUSEYN SHAHEED SUHRAWARDY, in charge of the Finance, Commerce and Labour Departments.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Departments.

The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forest and Excise Departments.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Departments.

The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of the Agriculture, Industries (including Veterinary) and Rural Reconstruction Departments.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Ahmad, Khan Bahadur Naziruddin. [Burdwan Division Muhammadan (Rural).]
2. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]
4. Ali, Mr. Altaf. [Bengal Legislative Assembly.]
5. Aziz, Khan Sahib Abdul. [Presidency Division South Muhammadan (Rural).]

B

6. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
7. Banerjee, Rai Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
8. Barua, Mr. Dhirendra Lal. [Chosen by the Governor.]
9. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

C

10. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Urban).]
11. Chaudhury, Mr. Moazzemali *alias* Lal Mia. [Faridpur Muhammadan (Rural).]
12. Chowdhury, Khan Sahib Abdul Hamid. [Mymensingh West Muhammadan (Rural).]
13. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
14. Chowdhury, Khan Bahadur Rezzaqul Haider. [Noakhali Muhammadan (Rural).]
15. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
16. Chowdhury, Mr. Humayun Reza. [Rajshahi *cum* Malda Muhammadan (Rural).]
17. Cohen, Mr. D. J. [Chosen by the Governor.]

D

18. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
19. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
20. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
21. D'Rozario, Mrs. K. [Chosen by Governor.]
22. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

E

23. Esmail, Khan Bahadur Alhadj Khwaja Muhammad. [Dacca North-West Muhammadan (Rural).]

F

24. Ferguson, Mr. R. W. N. [Bengal Legislative Assembly.]

G

25. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

26. Hosain, Khan Bahadur Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
27. Hossain, Mr. Latafat. [Chosen by the Governor.]
28. Hossain, Mr. Mohamed. [Bengal Legislative Assembly.]
29. Huq, Khan Bahadur Syed Muhammad Ghaziul. [Tippera Muhammadan (Rural).]

J

30. Jan, Alhadj Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

K

31. Kabir, Mr. Humayun. [Bengal Legislative Assembly.]
32. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
33. Khan, Khan Bahadur Muhammad Asaf. [Rangpur Muhammadan (Rural).]
34. Khan, Maulana Muhammad Akram. [Bengal Legislative Assembly.]

L

35. Laidlaw, Mr. W. B. G. [European.]
36. Lamb, Sir T. [Bengal Legislative Assembly.]

M

37. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-West General (Rural).]
38. *Mitra, the Hon'ble Mr. Satyendra Chandra. [Bengal Legislative Assembly.]
39. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
40. Momin, Begum Hamida. [Chosen by the Governor.]
41. Mookerjee, Mr. Naresh Nath. [Bengal Legislative Assembly.]
42. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]

P

43. Pal Chaudhuri, Mr. Ranajit. [Presidency Division General (Rural).]

Q

44. Quasem, Maulvi Abul. [Bengal Legislative Assembly.]

*President of the Bengal Legislative Council.

R

45. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]
46. Rahman, Khan Bahadur Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
47. Rashid, Khan Bahadur Kazi Abdur. [Dacca South-East Muhammadan (Rural).]
48. Ray, Mr. Nagendra Narayan. [Bengal Legislative Assembly.]
49. Ray, Rai Sahib Jogendra Nath. [Burdwan Division North-East General (Rural).]
50. Ray, Dr. Kumud Sankar. [Dacca Division South General (Rural).]
51. Ross, Mr. J. B. [Bengal Legislative Assembly.]
52. Roy, Mr. Amulya Dhone. [Bengal Legislative Assembly.]
53. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]
54. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]
55. Roy Chowdhury, Mr. Birendra Kishore. [Bengal Legislative Assembly.]

S

56. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]
57. Scott-Kerr, Mr. W. F. [European.]
58. Sen, Rai Sahib Jatindra Mohan. [Rajshahi Division North-West (Rural).]
59. Shamsuzzoha, Khan Bahadur M. [Bengal Legislative Assembly.]
60. Singh Roy, The Hon'ble Sir Bijoy Prasad. [Bengal Legislative Assembly.]
61. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. [Bengal Legislative Assembly.]
62. Stark, Mr. A. F. [European.]

T

63. Talukdar, Dr. Kasiruddin. [Bogra *cum* Pabna Muhammadan (Rural).]

THE BENGAL LEGISLATIVE COUNCIL DEBATES

(Official Report of the Third Session, 1940.)

Volume III—No. 1.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 9th December, 1940, at 4 p.m. being the first day of the Third Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Oath.

Mr. PRESIDENT: I am to announce to the Council that since the prorogation of the last session of the Council, Dr. Kumud Sankar Ray took the oath of office as a member of the Bengal Legislative Council on the 14th November, 1940.

Obituary Reference.

Mr. PRESIDENT: Hon'ble members of the Council, before taking up the Order Paper of the day, I deem it proper to make a brief reference to the death of Prince Afsarul-Mulk Mirza Mohamed Akram Hossain Bahadur, the only surviving son of the late Wajid Ali Shah, last King of Oudh, which occurred on the 15th October, 1940. The Prince was a bachelor and so his death has removed the last direct link of this province with the ancient Ruling dynasty of Oudh.

Prince Akram Hossain was born in Calcutta during King Wajid Ali Shah's internment at Garden Reach. He was a well-known social figure and took to public life at an early age, serving as the Sheriff of Calcutta, Commissioner of the Calcutta Corporation, Member of the Central Assembly and of the Council of State. In 1931, the Prince acted for a time as a Member of the Executive Council of the Governor of Bengal. He was also connected with various associations, being a member of the Royal Asiatic Society of Bengal and the Bengal Flying Club.

He was popular with both the Hindu and Muslim communities because of his sincere efforts at establishing communal harmony. In 1936, he was elected President of the All-India Shia Political Conference held at Lucknow, the capital of his fore-fathers.

He had been in poor health for some time and was 61 years of age at the time of his death.

May his soul rest in peace!

I would request the honourable members to rise in their places as a mark of respect to the memory of the illustrious deceased.

(Members rose in their places.)

Mr. PRESIDENT: I will now take up questions. First, I will take up the questions outstanding from the last session. Questions relating to the Education Department will not be taken up as I have been informed that the Hon'ble Chief Minister will not be able to be present here to-day.

QUESTIONS AND ANSWERS

Outstanding Questions from previous session and Answers thereto.

Persons of non-Bengali domicile appointed under the Government of Bengal.

***136. Mr. BIRENDRA KISHORE ROY CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state the number of persons of non-Bengali domicile appointed to offices under the Government of Bengal since the 1st of April, 1937?

(*b*) Will he be pleased to state also the name of the offices to which they have been appointed?

MINISTER in charge of the FINANCE DEPARTMENT: (the Hon'ble Mr. H. S. Suhrawardy): (*a*) 105. This figure does not take into account menials, police constables or jail warders, as the work involved in the collection of figures in respect of these classes does not appear to be commensurate with its value.

(*b*) A statement is laid in the Library.

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*Questions Nos. 130-135 which were put down in the list for this date were not answered as the Hon'ble Minister in charge of Education could not attend the meeting.

Number of persons detained in Bengal under the Defence of India Rules.

137. Mr. BIRENDRA KISHORE ROY CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the number of persons detained in Bengal under the Defence of India Rules?

(*b*) Will he also please state if any arrangement has been made by the Government for maintenance of the dependent members of their families?

(*c*) If the reply to clause (*b*) be in the affirmative, will he please state the basis on which such allowances for maintenance are being granted?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Up to 10th September, 1940,—37 under rule 26 and 8 under rule 129.

(*b*) and (*c*) Government have decided to grant family allowances only in exceptional cases where the circumstances are such that such allowances are essential owing to the financial conditions of particular families.

Deputy Superintendent of the Dacca Medical School.

138. Khan Sahib ABDUL HAMID CHOWDHURY (for Khan Bahadur Kazi Abdur Rashid): (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Departments be pleased to state if it is a fact that the present Deputy Superintendent of the Dacca Medical School is a non-Matric and that he has been raised from the rank of a Sub-Assistant Surgeon to that of an Assistant Surgeon?

(*b*) Do the Government now contemplate to give him further promotion, e.g., placing him in charge of a district? If so, what meritorious services he has done to justify such appointment?

(*c*) Are there not better and more qualified Muslim candidates available in the Province to hold the post of a Civil Surgeon than the present Deputy Superintendent of the Dacca Medical School?

(*d*) Is it a fact that a public inquiry was held against his conduct and character? If so, why has not that report up till now seen the light of day to vindicate his position? Do the Government propose to remove all misunderstandings, misgivings and suspicions against the gentleman who is shortly going to be promoted to the rank of a Civil Surgeon by giving publicity to the report of the aforesaid inquiry?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (for the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Public Health and Local Self-Government Department): (*a*) Yes.

(*b*) It is not under contemplation of Government to place him in charge of a district.

(*c*) and (*d*) Do not arise.

Amalgamation of non-scheduled loan companies with Scheduled Banks.

139. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (for Khan Bahadur Rezzaqul Haider Chowdhury): Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) whether he is aware that some non-scheduled loan companies have already been amalgamated and some are proposed to be amalgamated with some Scheduled Banks in Noakhali and other districts;

(*b*) whether he is aware that the agricultural debtors have been hard hit by the said activities of the Directors of those companies and whether it is a fact that a petition has been submitted to the Hon'ble Minister (Finance) for redress; and

(*c*) what steps the Government propose to take to remove the grievances of the agriculturists?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Some non-scheduled loan companies have been amalgamated with some Scheduled Banks. No information is available about proposal for future amalgamation.

(*b*) No hardship to agricultural debtors has been caused. No such petition is traceable in the Finance Department.

(*c*) Does not arise.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if he is aware that those non-scheduled banks which have been amalgamated had loan transactions with agriculturists?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: This position has happened in the district of Noakhali. We had an investigation made and it transpired that the number of agriculturists affected is very few—not even one hundred.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Then, it is admitted that some agriculturists have been affected.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With regard to that we have also had further investigation made and arrangements are being made to liquidate the loans through Debt Settlement Boards.

Questions tabled for the current Session and answers thereto.

Remission of sentences to prisoners in Bengal.

1. **Mr. HUMAYUN KABIR:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that other provinces allow prisoners one-third of their sentence as remission;

(*b*) whether in Bengal, the remission is only one-fourth of their sentence;

(*c*) if this remission in Bengal depends entirely on the discretion of the Superintendent; and

(*d*) whether the Government consider adopting the practice that is prevalent in other provinces?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I have not complete information; so far as it goes, our practice, based on general directions from the Government of India, is the same as in other provinces.

(*b*) and (*c*) The honourable member is referred to the provisions of Chapter XXI of the Jail Code a copy of which is placed in the Library.

(*d*) Does not arise.

Mr. HUMAYUN KABIR: Arising out of (*a*), will the Hon'ble Minister be pleased to take steps for getting more information?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not think it is necessary.*

Public Health Organisation.

3. **Mr. BIRENDRA KISHORE ROY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Departments be pleased to state if the new scheme of Public Health Organisation has been put into operation in any part of the Province?

*Question No. 2 was not put, the honourable member who had tabled it being absent.

(*b*) If the reply to part (*a*) be in the affirmative, will he please state the areas where it has been so introduced?

(*c*) Will the Hon'ble Minister please state if the Sanitary Inspectors, employed under the old system, have been absorbed in the establishment in every area where the new system has been introduced?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (for the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) No. The Scheme for reorganisation of the Rural Public Health Services is still under examination and consideration of Government.

(*b*) and (*c*) Do not arise.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state for how long this scheme for reorganisation of the Rural Public Health Services is under the consideration of the Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (for the Hon'ble Nawab Khwaja Habibullah Bahadur of Dacca): For about a couple of months. Government have to consult the District Boards in this matter and this is in progress.

Grievances of the work-sircars of the Communications and Works Departments.

4. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Departments be pleased to state if it is a fact that the work-sircars under the Communications and Works Departments submitted a memorial through proper channel to the Government in the year 1937, stating their long-standing grievances and praying for their redress?

(*b*) If the answer to part (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken by the Government or is intended to be taken by them in the matter?

(*c*) If the answer to part (*a*) be in the affirmative, will the Hon'ble Minister be pleased to enlighten the House as to the contents of the said memorials?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENTS (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) No. Some of the memorials were received in 1938 and others in 1939.

(*b*) The matter is under the consideration of Government.

(*c*) The memorialists asked for permanency of service, provisions for promotion, Provident Fund and leave; and the designation to be altered to Work Supervisor or Inspector.

Mr. K. C. ROY CHOWDHURY: Will the Hon'ble Minister be pleased to state when he proposed to take action on this memorial?

The Hon'ble Maharaja SRISCHANDNRA NANDY, of Cossimbazar: So far as this department is concerned, we have already set the ball rolling but as the consideration of this has to be taken up along with similar services in other departments, I am afraid it will take some time before a final decision is arrived at.

Presentation of Select Committee Report.

Mr. NUR AHMED: Sir, with your permission I beg to present to the House the report of the Select Committee on the Bengal Land Revenue Sales (Amendment) Bill, 1940.

Announcement of action taken by Government on non-official Resolution.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, in accordance with the provisions of sub-rule (*2*) of rule 95 of the Bengal Legislative Council Procedure Rules, I have the honour to place for the information of the Council the following statement regarding the action taken by Government on the resolution regarding recruitment of soldiers from among the Bengalis so as to raise a permanent unit with a view to its incorporation in the Indian Army, that was passed by the House on the 26th July, 1940. A copy of the debate on the resolution has been forwarded to the Government of India for their information.

Laying of the Bengal Legislative (Removal of Disqualifications Amendment) Ordinance, 1940.

The Hon'ble Khwaja Sir NAZIMUDDIN: As required by clause (*a*) of sub-section (*2*) of section 88 of the Government of India Act, 1935, I hereby lay before this House the Bengal Legislature (Removal of Disqualifications Amendment) Ordinance, 1940, which has been promulgated by the Governor and published in the *Calcutta Gazette (Extraordinary)* of the 30th October, 1940.

Sir, I beg to give notice that I shall move in the current session that the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940, be——

Mr. PRESIDENT: You will give the notice in proper time when I shall call you to do so.

Panel of Chairmen.

Mr. PRESIDENT: Under rule 6 of the Bengal Legislative Council Procedure Rules, I nominate—

(1) Mr. Kamini Kumar, Dutta,

(2) Begum Hamida Momin,

(3) Raja Bhupendra Narayan Sinha Bahadur, and

(4) Mr. J. B. Ross,

on the Panel of Chairmen for the current session.

House Committee.

Mr. PRESIDENT: Under rule 122 of the Bengal Legislative Council Procedure Rules, I nominate—

The Deputy President (Chairman, *ex-officio*),

(1) Mrs. K. D'Rozario,

(2) Mr. Ranajit Pal Choudhury,

(3) Mr. Mesbahuddin Ahmed,

(4) Mr. W. F. Scott-Kerr,

(5) Rai Sahib Jatindra Mohan Sen, and

(6) Mr. Kanai Lal Goswami,

on the House Committee for the current session.

Governor's Assent to Bills.

Mr. PRESIDENT: I have now to inform the honourable members that the following Bills which were passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935, namely:—

(1) The Bengal Patni Taluks Regulation (Amendment) Bill, 1940.

(2) The Bengal Shops and Establishments Bill, 1940.

Messages from the Assembly.

SECRETARY to the COUNCIL (Dr. S. K. D. Gupta): Sir, I have received the following messages from the Bengal Legislative Assembly, signed by the Hon'ble Speaker:—

(1) The Bengal Legislative Assembly at its meeting held on the 18th September, 1940, agreed to the amendments made by the Council to the Bengal Alluvion and Diluvion (Amendment) Bill, 1940.

(2) The Bengal Legislative Assembly at its meeting held on the 4th December, 1940, agreed to the amendments made by the Council to the Bengal Co-operative Societies, Bill, 1940.

(3) The Bengal Agricultural Debtors (Second Amendment) Bill, 1940, as passed by the Bengal Legislative Assembly at its meeting held on the 19th September, 1940, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

(4) The Bengal Local Authorities Census Expenses Contribution Bill, 1940, as passed by the Bengal Legislative Assembly at its meeting held on the 3rd December, 1940, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

(5) The Official Trustees (Bengal Amendment) Bill, 1941, as passed by the Bengal Legislative Assembly at its meeting held on the 3rd December, 1940, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

(6) The Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940, as passed by the Bengal Legislative Assembly at its meeting held on the 3rd December, 1940, has been duly signed by me, and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

Sir, I lay the following Bills on the Table:—

(1) The Bengal Agricultural Debtors (Second Amendment) Bill, 1940, as passed by the Bengal Legislative Assembly.

(2) The Bengal Local Authorities Census Expenses Contribution Bill, 1940, as passed by the Bengal Legislative Assembly.

(3) The Official Trustees (Bengal Amendment) Bill, 1941, as passed by the Bengal Legislative Assembly.

(4) The Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940, as passed by the Bengal Legislative Assembly.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to give notice that I shall move during the current session that the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940, as passed by the Assembly, be taken into consideration by the Council and that the same be passed, as settled. I also beg to request that I may kindly be permitted to move the motions at short notice at the meeting of the Council on the 12th December, 1940.

Mr. PRESIDENT: I take it that there is no objection to the taking of the Bill for consideration on the 12th instant.

(There was no objection.)

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to give notice that I intend to move during the current session of the Legislative Council that the Bengal Agricultural Debtors (Second Amendment) Bill, 1940, as passed by the Bengal Legislative Assembly be taken into consideration and that the Bill, as settled in the Council, be passed. I beg to request further that I may kindly be permitted to move the motions at short notice at the meeting of the Council on the 12th December next.

Mr. PRESIDENT: May I take it that there is no objection?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have objection. We did not get copies of the Bill until to-day. So we want some time to submit our amendments.

Dr. RADHA KUMUD MOOKERJI: Sir, I want to say that there are some points which require consideration. So, I request the Hon'ble Minister to give us a little more time.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, may I submit one thing for your consideration and for the consideration of the House? This Bill consists of one clause only. There are sub-clauses two of which are rather important, the rest are consequential. It is for this reason that I request the honourable members of the Council to be good enough to waive their objection and take it up on the 12th December, for such a short Bill ought not to take more than half an hour to make up their mind. With these words, Sir, I leave this matter to your discretion.

Mr. NARESH NATH MOOKERJEE: Sir, if the Government want to pass a Bill without consideration they can certainly do so; but if they want us to really consider a Bill, they should give us reasonable time to put in amendments.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, this Bill was circulated to the members. In fact, two of the honourable members of this House have tabled amendments, namely, Mr. Scott-Kerr and Mr. Mesbahuddin Ahmed.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Was it circulated?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That was my impression.

Mr. PRESIDENT: Copies of the Bill could not be circulated to the members earlier as the Bill itself has been laid before the Council only to-day. However, as I find that there is objection both from the Coalition Party and from the Congress Party and as amendments have been tabled from the European Group also, I cannot give permission to the motion being moved at short notice.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to give notice that during the current session of the Bengal Legislative Council I shall move by way of amendment to the motion for reference to a Select Committee of the Bengal State Aid to Industries (Amendment) Bill, 1940, by Mr. Nur Ahmed, M.L.C., that the Bill be circulated for eliciting public opinion thereon till the 31st of March, 1941. In view of the fact that it was not possible for me to give notice earlier not being a member of the House, I request that this short notice may be accepted as a special case.

(There was no objection.)

Message of His Excellency the Governor regarding the Bengal Tenancy (Amendment) Bill, 1940.

Mr. PRESIDENT: I am now to read the following message received from His Excellency the Governor relating to the Bengal Tenancy (Amendment) Bill, 1940, which was passed by both Chambers of the Legislature, under the proviso to section 75 of the Government of India Act, 1935:—

"The Bengal Tenancy Amendment Bill, 1940, has been passed by both Chambers of the Bengal Legislature and has been presented to

the Governor in accordance with section 75 of the Government of India Act, 1935. Having given my most careful attention to the Bill, I am of opinion that it is my duty to return it to the Legislature in accordance with the proviso to the said section and to request the Chambers to consider it in regard to the following points.

Section 26G(1) of the Bengal Tenancy Act renders void every usufructuary mortgage (other than a complete usufructuary mortgage) entered into after the commencement of the Bengal Tenancy (Amendment) Act, 1928. It is clear from section 58, Transfer of Property Act, 1882, that mortgages by conditional sale, English mortgages and anomalous mortgages are distinguishable from usufuctuary mortgages. Therefore section 26G(1) does not affect a mortgage of any one of these three types. Clause 3(1) of the Bill converts into a complete usufructuary mortgage a mortgage of any one of these three types entered into before the commencement of the Bengal Tenancy (Amendment) Act, 1928, and subsisting on 1.8.37, if possession of land was delivered to the mortgagee. Clause 3(2) of the Bill renders void any such mortgage (other than a complete usufructuary mortgage) entered into after the enactment of the Bill. No provision has been made for a mortgage of any one of these three types entered into after the commencement of the Bengal Tenancy (Amendment) Act, 1928, and before the enactment of this Bill. This lacuna is anomalous.

Secondly, in consequence of the amendment made by clauses 3(1) and 3(2) an amendment of section 26G(4) is required in order to render receivable in evidence certain mortgages other than complete usufructuary mortgages and usufructuary mortgages when possession of land is delivered to the mortgagee.

Thirdly, as clause 3(13) of the Bill stands at present, it implies that there shall be no appeal from decrees passed in suits valued at more than Rs. 5,000. It is necessary to make it clear that an appeal should lie in every case in accordance with the provisions of the Code of Civil Procedure, but that, as proposed in the Bill, the period of limitation in respect of an appeal to the District Judge should be extended to 3 months.

Fourthly, in clause 5 of the Bill in the proviso to clause (a) of sub-section (1) of the proposed section 168A the words "of the temporary settled estate" appear to be unsuitable. It further appears necessary to provide that the effect of this proviso should be limited to cases in which the term of the tenancy expires other than by reason of surrender.

After due consideration, therefore, I have decided to recommend to the Bengal Legislative Chambers that the Bill be amended in the

manner stated in the following recommendation, and I appoint the Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of Revenue Department, to be the Member in charge of the Bill.

RECOMMENDATION.

In pursuance of the provisions of the proviso to section 75 of the Government of India Act, 1935, I, John Arthur Herbert, Governor of Bengal, do recommend to the Bengal Legislative Chambers that they do amend the Bengal Tenancy (Amendment) Bill, 1940, by the adoption, without further amendments, of the following amendments, that is to say,—

(1) For sub-clause (1) of clause 3 of the Bill the following be substituted, namely:—

'(1) for sub-section (1a) the following sub-section shall be substituted, namely:—

"(1a) Notwithstanding anything contained in this Act or in any other law for the time being in force or in any contract, every mortgage (including a mortgage by conditional sale) entered into by an occupancy-*raiyat* in respect of his holding or of a portion or share thereof in which possession of land is delivered to the mortgagee—

(a) which was so entered into before the commencement of the Bengal Tenancy (Amendment) Act, 1928, and was subsisting on or after the first day of August 1937, or

(b) which, being other than a usufructuary mortgage having under sub-section (1) no force or effect, was so entered into after the commencement of the Bengal Tenancy (Amendment) Act, 1928, and before the commencement of the Bengal Tenancy (Amendment) Act, 1940, and was subsisting on or after the commencement of the Bengal Tenancy (Amendment) Act, 1940,

shall be deemed to have taken effect as a complete usufructuary mortgage for the period mentioned in the instrument or for fifteen years, whichever is less.".'

(2) After sub-clause (2) of clause 3 of the Bill the following sub-clause be inserted, namely:—

(2A) in sub-section (4)—

(a) in clause (b) after the words "complete usufructuary mortgage" the word "or" shall be inserted;

(b) after clause (b) the following clause shall be inserted, namely:—

"(c) a mortgage of such holding, portion or share [other than a complete usufructuary mortgage or a usufructuary mortgage referred to in clause (b)] in which possession of land is delievered to the mortgagee," and

(c) for the proviso the following proviso shall be substituted, namely:—

"Provided that—

(i) a document referred to in clause (a) or (b) which was executed before the commencement of the Bengal Tenancy (Amendment) Act, 1928, or

(ii) a document referred to in clause (c) which was executed before the commencement of the Bengal Tenancy (Amendment) Act, 1940,

may be so received in evidence or so acted upon as a complete usufructuary mortgage for the period mentioned therein or for fifteen years, whichever is less." '

(3) In sub-clause (5) of clause 3 of the Bill, for the proposed sub-section (13) the following sub-section be substituted, namely:—

'(13) The provisions of the Code of Civil Procedure, 1908, relating to appeals shall apply to all decrees or orders made under sub-sections (10) and (11), but notwithstanding anything contained in the Indian Limitation Act, 1908, or in this Act, the period of limitation for an appeal to the Court of a District Judge against any such decree or order shall be ninety days from the date of the decree or order appealed from.'

(4) In clause 5 of the Bill, in the proviso to clause (a) of sub-section (1) of the proposed section 168A, for the words 'if the term of the tenancy of the temporary settled estate' the following words be substituted, namely:—

'if, in any manner other than by surrender of the tenure or holding, the term of the tenancy.

J. A. HERBERT,

Governor of Bengal."

GOVERNMENT HOUSE,

The 11th November, 1940.

Message from the Assembly.

Mr. PRESIDENT: I am also to read the following message received from the Bengal Legislative Assembly:—

In pursuance of the message (copy enclosed), dated the 11th November, 1940, from His Excellency the Governor of Bengal under the proviso to section 75 of the Government of India Act, 1935, the Bengal Legislative Assembly, has, on a reconsideration of the Bengal Tenancy (Amendment) Bill, 1940, as presented to His Excellency for his assent, amended the same by the adoption of the following amendments, which were recommended by His Excellency in his message, without any further amendments, namely:—

"(1) For sub-clause (1) of clause 3 of the Bill the following be substituted, namely:—

'(1) for sub-section (1a) the following sub-section shall be substituted, namely:—

"(1a) Notwithstanding anything contained in this Act or in any other law for the time being in force or in any contract, every mortgage (including a mortgage by conditional sale) entered into by an occupancy-*raiyat* in respect of his holding or of a portion or share thereof in which possession of land is delivered to the mortgagee—

(a) which was so entered into before the commencement of the Bengal Tenancy (Amendment) Act, 1928, and was subsisting on or after the first day of August, 1937, or

(b) which, being other than a usufructuary mortgage having under sub-section (1) no force or effect, was so entered into after the commencement of the Bengal Tenancy (Amendment) Act, 1928, and before the commencement of the Bengal Tenancy (Amendment) Act, 1940, and was subsisting on or after the commencement of the Bengal Tenancy (Amendment) Act, 1940,

shall be deemed to have taken effect as a complete usufructuary mortgage for the period mentioned in the instrument or for fifteen years, whichever is less".'

(2) After sub-clause (2) of clause 3 of the Bill the following sub-clause be inserted, namely:—

'(2A) in sub-section (4)—

(a) in clause (b) after the words "complete usufructuary mortgage" the word "or" shall be inserted;

(b) after clause (b) the following clause shall be inserted, namely:—

"(c) a mortgage of such holding, portion or share [other than a complete usufructuary mortgage or a usufructuary mortgage referred to in clause (b)] in which possession of land is delivered to the mortgagee," and

(c) for the proviso the following proviso shall be substituted, namely—

"Provided that—

(i) a document referred to in clauses (a) or (b) which was executed before the commencement of the Bengal Tenancy (Amendment) Act, 1928, or

(ii) a document referred to in clause (c) which was executed before the commencement of the Bengal Tenancy (Amendment) Act, 1940,

may be so received in evidence or so acted upon as a complete usufructuary mortgage for the period mentioned therein or for fifteen years, whichever is less".'

(3) In sub-clause (5) of clause 3 of the Bill, for the proposed sub-section (13) the following sub-section be substituted, namely:—

'(13) The provisions of the Code of Civil Procedure, 1908, relating to appeals shall apply to all decrees or orders made under sub-sections (10) and (11), but notwithstanding anything contained in the Indian Limitation Act, 1908, or in this Act, the period of limitation for an appeal to the Court of a District Judge against any such decree or order shall be ninety days from the date of the decree or order appealed from.'

(4) In clause 5 of the Bill, in the proviso to clause (a) of sub-section (1) of the proposed section 168A, for the words 'if the term of the tenancy of the temporary settled estate' the following words be substituted, namely:—

'if, in any manner other than by surrender of the tenure or holding, the term of the tenancy ' "

Governor's Assent to Bill passed by the Bengal Legislature.

Mr. PRESIDENT: I have now to inform the honourable members that the Bengal Alluvion and Diluvion (Amendment) Bill, 1940, which was passed by both Chambers of the Bengal Legislature has also been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935.

The Bengal Water-Hyacinth (Amendment) Bill, 1940.

Mr. PRESIDENT: The House will now resume consideration of the Bengal Water-Hyacinth (Amendment) Bill, 1940, clause by clause.

Clauses 1 and 2.

The question before the House is: that clauses 1 and 2 stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. PRESIDENT: Clause 3 stand part of the Bill.

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in clause 3 of the Bill, in sub-section (2) of the proposed section 13A, for the word "thereto" occurring in line 8, the words "to the scheme, estimate, or list of apportionment" be substituted.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, in sub-section (*2*) of the proposed section 13A, for the word "thereto" occurring in line 8, the words "to the scheme, estimate, or list of apportionment" be substituted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have no objection to accept this amendment as this is an improvement on the existing provision.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, in sub-section (*2*) of the proposed section 13A, for the word "thereto" occurring in line 8, the words "to the scheme, estimate, or list of apportionment" be substituted.

(The motion was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in clause 3 of the Bill, in sub-section (*3*) of the proposed section 13A, after the word "the" occurring in line 5, the words "scheme, estimate or" be inserted.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, in sub-section (*3*) of the proposed section 13A, after the word "the" occurring in line 5, the words '"scheme, estimate or" be inserted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have no objection to accept this amendment as well.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, in sub-section (*3*) of the proposed section 13A, after the word "the" occurring in line 5, the words "scheme, estimate or" be inserted.

(The motion was agreed to.)

Mr. NUR AHMED: Sir, I beg to move that in clause 3 of the Bill, in sub-section (*3*) of the proposed section 13A, after the word "apportionment" occurring at the end, the words "the scheme and the estimate" be added. .

Sir, this is a consequential amendment connected with the previous amendment and perhaps this is not necessary after the adoption of the previous one.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, in sub-section (*3*) of the proposed section 13A, after the word "apportionment" occurring at the end, the words "the scheme and the estimate" be added.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I think my friend has moved this amendment through a misapprehension. In fact, what he wants to have by way of this amendment is there in the previous amendment (No. 5) which has already been accepted by the House.

Mr. NUR AHMED: Sir, I beg leave of the House to withdraw the amendment just now moved by me.

Mr. PRESIDENT: Is it the pleasure of the House to permit the honourable member to withdraw his amendment?

(The motion was then, by leave of the House, withdrawn.)

Mr. PRESIDENT: [Rose to put clause 3 of the Bengal Water-Hyacinth (Amendment) Bill, 1940, as amended, to vote.]

Mr. HUMAYUN KABIR: Sir, before you put this clause to vote, I would like to make a few observations.

Mr. PRESIDENT: Let me put it to vote.

Mr. HUMAYUN KABIR: But, Sir, after you put it to vote, I shall have no opportunity to make any observation.

Mr. PRESIDENT: The question before the House is: that clause 3 of the Bill, as amended, stand part of the Bill. Now you can speak.

Mr. HUMAYUN KABIR: Sir, I do not want to oppose clause 3 of this Bill. This Bill seeks to remove a defect which has been felt for a long time in the matter of dealing with the water-hyacinth problem. I only want to point to the Hon'ble Minister concerned certain difficulties which have not been sufficiently provided for in the present formulation of the Bill. With the general purpose and the object of the Bill, I do not think there is any member in this House who will disagree. What is feared is that the provisions, as we find them in section 13A, may not prove sufficient for remedying these evils. Further, Sir, I shall perhaps not be wrong if I say that this Bill is born out of the experience which was obtained in dealing with water-hyacinth in the Arial Bil through private initiative. With the help of certain workers of the area, the water-hyacinth there was controlled. In 1937, the cost which the cultivators had to pay was about annas 6-6 per acre. But from the year 1938, the cost went up suddenly. In 1938-39, I forget exactly which year, the work was suspended on account of flood and could not be carried on successfully. Since then

the work in Arial Bil was carried on in an uncertain manner. Government, I think, wanted to fix Rs. 3-8 as the cost to be paid by the cultivators per acre. In 1937-38 it was annas 6-6 and from 1938-39 onward it was Rs. 3-8. It was rather a big jump, with the result that many of the cultivators refused to pay this increased assessment. The present Bill, I think, has been devised in order to get over that difficulty. This Bill authorises the Collector to force the cultivators to pay the cost. I only want an assurance from the Hon'ble Minister that when the schemes are prepared, they will be prepared with sufficient care and skill.

As a matter of fact, it was found that Government undertook to provide for posts for the enclosures to prevent the coming in of the water-hyacinth. In 1937 the cost per post was only annas 12 and under the present Government it became Rs. 3. In other words, it increased almost by 400 per cent. That, Sir, is the only reason why the cultivators of the locality do not want to render voluntary co-operation to the scheme.

The other difficulty is that in the present Bill, the Collector is sought to be made the final authority so far as the water-hyacinth problem is concerned. Building barricades is mainly an engineering problem and the Collector is not always in a position to judge as to when the work should be undertaken and what exactly should be the cost of undertaking such a scheme. We have, of course, our complaints against the Public Works Department. It is expensive, but, nevertheless, in spite of that, the Public Works Department has more knowledge about these matters than the Collector and that department can be expected to deal with the problem more adequately than the Collector. This is the second point which I would like the Hon'ble Minister to consider, namely, whether the work should be undertaken by the Collector or whether it should be done through the officers of the Public Works and Irrigation Departments.

Then the third question which has to be discussed in this clause is that with regard to the filing of objections. In clause 13 (*a*), we find that a general notice will be published and as a result of this general notice, anybody who has any objection to the scheme may come and notify his objections to the Collector. Now, in the Arial Bil area about 50,000 cultivators are involved; and we expect that if this Bill proves a success, it will be applied to the other regions of Bengal as well. The number of cultivators who will be affected by this Bill will thus be very large. Water-hyacinth is for Bengal a major problem to-day and therefore if it is merely provided that objections might be filed by notification, the likelihood is that no cultivator will take any interest in it. In many cases, they will not even know that such notice has been issued and if after the time has expired persons come

with objections, those objections may be disregarded and ignored. In other cases again, many persons who are interested in the prevention of such work may attempt to prevent such work being undertaken at all.

Finally, there is also the question which was proposed to be raised in Mr. Nur Ahmed's amendment No. 13. I do not understand why, after tabling the amendment, he has seen it fit to withdraw it or rather not to move it at all. In fact, if we had known before that he was not going to move the amendment, I think some members on this side of the House would have tabled such an amendment. The reason why we did not table such an amendment was that we knew that such an amendment had a better chance of success if it came from a member of the Coalition party. We had intended to support the amendment instead of putting in an amendment of this type ourselves. The amendment seeks to provide, rather it sought to provide, that "all expenses incurred in connection with any work under this section shall be borne initially by the Provincial Government or by a local authority or by a person as the case may be and shall be recoverable from the persons having an interest in the land benefited by the said work." I think that it embodies a sound principle, but that is not the main reason for which we welcomed this amendment. The chief advantage of this amendment lies in the proviso, viz.,—"Provided that if benefits begin to accrue to any land from any portion of a sanctioned work before the whole of such work is completed, the persons having an interest in such land shall be liable to pay, from the date on which such benefits accrue, the expense incurred in connection with the said portion." In other words, unless there is some actual benefit, they shall not be liable to pay any additional cost. I think the experience of the last few years will show that even though barriers were set up, in many cases they broke down and in some cases the damage came to as much as fifty per cent. of the crops. If that is so, there is no reason why cultivators should pay rupees three and annas eight per acre as a tax for improving the prospects of their crop, when actually the improvements did not take place. Therefore, an amendment of this type which sought to relate the amount of tax payable to the amount of benefit they would receive was eminently desirable. I hope that, though it is too late to move the amendment now, the Hon'ble Minister will keep this in mind when he comes to frame the rules under the Act and will provide that unless the cultivators get any benefit from this tax, they will not be required to pay an unnecessary and undue imposition on account of any such scheme. These are some of the observations which I hope Government will keep in mind when preparing the schemes.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am thankful to my friend Mr. Humayun Kabir for the few suggestions he has made. I

think, Sir, that the advice he has given would have been acted up to even if he had not chosen to give it. He has suggested that the schemes should be prepared with care and skill. That will be done as a matter of course. (Mr. HUMAYUN KABIR: That is not generally done.) What he has said about the genesis of this measure is, however, not correct. My friend thinks that there has been only one scheme worked and that relates to the Arial Bil and that on account of the experience gathered by the working of that scheme this Bill has been introduced: that is not so. In fact, this Bill has been introduced in consequence of another Bill which was given notice of by my hon'ble friend, Khan Bahadur Saiyed Muazzamuddin Hosain. It was unfortunate that though this Bill was decided to be referred to a Select Committee several times, the decision did not actually materialise. I thought that it would be difficult for a private member to have the Bill passed and that if Government took it up, probably it would be passed in a shorter time. So this Bill has been initiated by Government in this House. That is the genesis. Now, Sir, if this Bill is passed into law, it will be applied with very great advantage to the scheme that is being worked in the Arial Bil area, and to similar other schemes in other places. From that point of view, this Bill is calculated to do a good deal of benefit, and I hope that the water-hyacinth pest will be most successfully fought on account of this Bill.

My friend, Mr. Humayun Kabir, also doubted the wisdom of making the Collector the sole authority to deal with such schemes. But after due consideration we have come to the conclusion that the Collector will be the most appropriate person to be authorised to deal with this matter. In the original Bill also which was given notice of by my friend Khan Bahadur Syed Muazzamuddin Hosain, the provision was that the Collector should be given this authority.

Then, Sir, with regard to the amendment tabled by my hon'ble friend Mr. Nur Ahmed, Mr. Humayun Kabir said that had that amendment been moved it would have been acceptable to him. But I think that the object of the amendment of Mr. Nur Ahmed was not what Mr. Humayun Kabir thinks it to be.- On the other hand, Mr. Nur Ahmed, after he tabled the amendment, was convinced that it was not actually necessary and action, as suggested in his amendment, could be taken without it, and so he withdrew his amendment. However, Mr. Humayun Kabir does not oppose this motion. He has given me some advice and I shall be very glad to act up to the constructive and feasible part of that advice.

Mr. PRESIDENT: The question before the House is: that clause 3, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 4.

Mr. PRESIDENT: The question before the House is: that clause 4 stand part of the Bill.

(The motion was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is: that the Title and Preamble be added to the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The Council now stands adjourned till 4 p.m. to-morrow, as I understand that the Hon'ble Minister is not willing to proceed with the Third Reading of the Bill to-day.

Adjournment.

The Council then adjourned till 4 p.m. on Tuesday, the 10th December, 1940.

Members absent.

The following members were absent from the meeting held on the 9th December, 1940:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Kader Baksh.
(3) Mr. Humayun Reza Chowdhury.
(4) Khan Bahadur Rezzaqul Haider Chowdhury.
(5) Mr. Narendra Chandra Datta.
(6) Mr. Kamini Kumar Dutta.
(7) Mr. Mahomed Hossain.
(8) Khan Bahadur Syed Muhammad Ghaziul Huq.
(9) Khan Bahadur M. Abdul Karim.
(10) Khan Bahadur Muhammad Asaf Khan.
(11) Maulana Muhammad Akram Khan.
(12) Khan Sahib Subid Ali Molla.
(13) Dr. Kumud Sankar Ray.
(14) Mr. Nagendra Narayan Ray.
(15) The Hon'ble Sir Bijoy Prasad Singh Roy.
(16) Dr. Kasiruddin Talukdar.

B. G. Press—1940-41—10983A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 10th December, 1940, at 4 p.m. being the second day of the Third Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Liabilities of the Mymensingh District Board.

5. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if he is aware that the Mymensingh District Board was under heavy liability when the present Board was reconstituted?

(*b*) Is he aware that the liability is steadily increasing and that it now stands in the region of 10 lakhs of rupees, or so?

(*c*) Is he aware that bills of contractors are outstanding in many cases for over two or three years or even more?

(*d*) Do the Government contemplate calling for the formulation of a scheme of clearance of liabilities within a specified period?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, may I have your permission to read the answer to question No. 5 in the absence of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca?

Mr. PRESIDENT: I have no objection to one Minister answering for another, but it would be convenient if the Hon'ble Minister who is likely to be absent writes to me in proper time to say that questions relating to his department would be replied to by a particular Minister.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Public Health and Local Self-Government Department): (*a*) and (*d*) Yes.

(*b*) There has been an increase in the liabilities over what the present Board inherited from its predecessor. The liabilities of the Board on the 31st March, 1940, stood at Rs.9,69,090 including a sum

of Rs. 3,83,341 being the balance of the Government loan for Water-Supply repayable by instalments in 10 years and an advance of Rs.40,000 for Test Relief Works for the remission of which the Board has applied to Government through the local officers. The present liabilities of the Board, excluding the Government loan and the advance referred to, are Rs. 5,45,749.

(*c*) No bills of contractors are pending for over three years. The amount of bills pending for three years is about Rs.34,000 and that of bills pending for two years is about Rs.1,25,000.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Do the Government contemplate insisting on the formulation of a scheme of clearance of liabilities?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Government intends intimating to the District Board of Mymensingh to prepare the scheme at an early date and they will ask for a report by a definite date as to the action taken by the District Board on the particular matter.

Recognition of the All-Bengal Work-Sircars' Association.

6. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that the Secretary of the All-Bengal Work-Sircars' Association applied to the Government on the 18th November, 1939, for recognition of their association? If so, will the Hon'ble Minister be pleased to state whether the association is recognised by the Government or not?

(*b*) Will the Hon'ble Minister be pleased to state what are the rules and regulations relating to recognition by the Government of government employees' associations?

(*c*) Will the Hon'ble Minister be pleased to state whether the said association is recognised by the Government or not? If not, what are the reasons therefor?

(*d*) Will the Hon'ble Minister be pleased to state whether there is any difference in the rules and regulations regarding recognition of government employees' organisations by the Central and by the Provincial Governments? If so, what are the reasons?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) and (*c*) Yes, an application for the recognition of the All-Bengal Work-Sircars Association was received and the association was

asked to renew the application for recognition when the body of office-bearers was re-constituted in accordance with rules for the recognition of associations of non-industrial employees. But as the conditions imposed by the rules have not yet been fulfilled, Government recognition has not been extended.

(*b*) There are two sets of rules, one for industrial employees and the other for non-industrial employees, promulgated by the Government of Bengal, Commerce and Labour Department, letter Nos. 4715-4745 Com., dated the 18th May, 1935, and Finance Department Order No. 975 F., dated the 18th May, 1939, respectively.

(*d*) The Central and Provincial Government rules for the recognition of associations of non-industrial employees are apparently similar.

Establishment of a ship-yard in Bengal.

7. Mr. BIRENDRA KISHORE ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state if it is a fact that the Scindia Steam Navigation Company approached the Government of Bengal in respect of the lease of a suitable plot of Government land in Calcutta for the establishment of a ship-yard?

(*b*) Is it a fact that the Government charged such a high rate of compensation that the said company was constrained to give up the project in Calcutta and to transfer its ship-building work to a suitable place in the Madras Presidency?

(*c*) Is not the Government of Bengal aware of the strong public discontent for discouraging the Scindia Steam Navigation Company and thus missing an opportunity of stimulating industrial development of Calcutta and Bengal?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) No. It is understood that the Scindia Steam Navigation Company approached the Port Commissioners, Calcutta, a body under the Central Government, for the lease of a plot of land near their King George's Dock Lock entrance but the negotiations fell through largely because of the rate of rent demanded by the Port Trust Commissioners.

(*b*) and (*c*) Do not arise.

Mr. LALIT CHANDRA DAS: Did that Scindia Steam Navigation Company approach the Government of Bengal for the lease of land?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, it did not.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether it is a fact that the Port Trust Commissioners did not like the idea that an Indian company should get a foothold in Calcutta and that the rate of rent demanded was very very high?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, I do not believe there was any such idea. The rate of rent was not higher; it was the usual rate.

Dr. RADHA KUMUD MOOKERJI: May I know whether the Bengal Government has not any kind of control over the Port Commissioners through their own representatives?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not believe they have.

Mr. LALIT CHANDRA DAS: May I ask the Hon'ble Minister whether the full value of the land was demanded from the Scindia Company or merely the rate of rent?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe the only question was rate of rent and not the value of the land.

Dr. RADHA KUMUD MOOKERJI: Did not Bengal Government feel that they might take special steps to have the public view on this subject properly expressed through their own representatives on the committee which was called upon to deal with a question of such an all-India national importance?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, Bengal Government was not aware of these negotiations nor was it apprised of the negotiations by either party. It came to know of the negotiations only when they fell through.

Mr. LALIT CHANDRA DAS: If that company again approaches the Government for a ship-yard to be established in Calcutta, will the Government entertain them?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir; I have said so. Not only that company, but any other company.

The Bengal Water-Hyacinth (Amendment) Bill, 1940.

Mr. PRESIDENT: The House will now resume further consideration of the Bengal Water-Hyacinth (Amendment) Bill, 1940.

Dr. RADHA KUMUD MOOKERJI: May I, Sir, rise on a privilege motion again? I feel the amount of business fixed for this meeting is not sufficient to call for a session of the Council, and I also feel that in the public interest Government might be well-advised in deciding beforehand whether the business is a ripe one for a regular session of the Council at this time of the year. Some of the members have undertaken much trouble and worries in coming to attend the meetings of the Council, which from the amount of business envisaged is really very very unimportant and I certainly think that such happenings are not really to public interest.

Mr. PRESIDENT: I do not clearly understand whether the honourable member wants to raise the question of privilege only for to-day's meeting or for the whole session.

Dr. RADHA KUMUD MOOKERJI: It arises, Sir, out of to-day's session particularly and it applies to the business of the whole session.

Mr. PRESIDENT: So far as to-day's business is concerned, there is the Third Reading of the Bengal Water-Hyacinth Bill. It may take the whole of to-day's sitting. So far as the general question is concerned, the sessions of the Council are summoned, under section 62 (2) of the Government of India Act, by His Excellency the Governor in his discretion and the Ministry or the House has no right to question whether the session has been properly summoned or not.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bill, as settled in the Council, be passed.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have a few remarks to offer regarding this Bill. First of all, I have to thank the Hon'ble Minister for bringing forward this Bill as an official Bill. I may say that it was at my request that he has come to the rescue of the ill-fated tenantry of the East Bengal whose lands and crops are subjected to the ravages of water-hyacinth. Sir, so long the Bengal Water-hyacinth Act had remained a dead letter

chiefly because of the fact that although there were provisions regarding destruction of water-hyacinth, there was no detailed provision regarding the method of stopping the ingress of the water-hyacinth in the cropped area.

There is a particular section regarding it, section 13 of the Act, but that section gives no details as to how the barriers and fences are to be constructed, who is to pay the cost for them, how the apportionment should be made, and how the money should be realised. There are sections, sections 11 and 12, of the Act, which give powers regarding realisation of the cost for what is done under sub-section (*4*) of section 7 and sub-section (*2*) of section 8; but there is no corresponding section regarding the work to be done under section 13(*1*). So this was a very great defect in the Act for which so long no work of any comprehensive nature could be done to prevent water-hyacinth from entering into the land of the cultivators. Sir, we have heard of the Water-Hyacinth Week but in that week we tried only to destroy the water-hyacinth that was found in the land. Nothing has so long been done to stop the ingress of the water-hyacinth into the lands of the cultivators; this defect is now removed by this amending Bill. If this amending Bill is given effect to and if it is properly circularised, then I think the people will take advantage of the Act and schemes will be forthcoming for stopping the ingress of water-hyacinth in the areas which are subject to water-hyacinth devastation. Sir, I hail from a part of the country where this curse of water-hyacinth comes from Assam through such big rivers as the Meghna, Ghuruntra and others. The poor cultivators, so far as is possible for them, try to erect barriers and fencings and other things for preventing water-hyacinth from entry into their lands. But very often it is found that when there is a big project, the tenants cannot be made to come to terms about the estimates and the rate of cost that they will have to pay; besides there are many bad tenants who do not pay at all. These are the disadvantages under which these people had so long been labouring; but now by this amending Bill they will be able to combine together and with the help of Government will be able to erect hedges and barriers the cost whereof will be apportioned equitably. Objections against inequitable apportionment may be made to authorised persons who while disposing of them will also be able to realise the cost according to the benefit that will accrue to each of them. So far, Sir, it is all right; but I have some apprehension regarding the working of the Act. It has been said that plans and estimates and schemes will be prepared. Sir, these are very high-sounding words and I am afraid that a very costly staff may have to be employed to prepare such schemes and estimates. If that is done, for instance, if the Public Works Department officers are sent out for preparation of estimates and plans, then

the whole scheme will fail because the poor cultivators cannot afford to pay for this highly-paid staff for small schemes which seek to prevent water-hyacinth from entering upon their land by setting up bamboo-barriers. No engineering skill is necessary for such schemes and all that is necessary is to find out what should be the price of materials and what should be the labour charge, and nothing else. I would request the Hon'ble Minister, at the time of framing the rules under this Act, to lay down that ordinarily a scheme should be prepared through the union board and it should be checked by the authorised officer who would ordinarily be the Circle Officer of the union within which the work will be done. If that is done, it would cost very little: otherwise if it is done by the Public Works Department under the supervision of their staff, the whole scheme will fail.

As regards section 13(*1*), it is laid down in the section itself that "subject to any rules made under this Act....." But unfortunately, no rules have yet been framed under section 13(*1*). I would request the Hon'ble Minister to see that necessary rules are framed under the Act immediately and circulated so that the amending Act which we are passing may be actually given effect to immediately and it may be of real benefit to the people of the country.

Sir, one of my honourable friends, Mr. Humayun Kabir, has raised the question of Arial *Bil*. I think this Bill does not really deal with big projects like the Arial *Bil* and other *bils* which would rather come under the purview of the Bengal Development Act. It will take time to reclaim such big areas by clearing the water-hyacinth which is already there and also by improving the water-logged lands. Here, of course, engineering skill will be necessary and it will be costly. Special officers will also be necessary for such big schemes. But the object of this Water-hyacinth Act is to cope with smaller areas just to keep out the ingress of water-hyacinth by means of bamboo fences, barricades, etc. My honourable friend Mr. Humayun Kabir need not apprehend that it will affect in any way projects of that nature.

In conclusion, I have to thank the Hon'ble Minister for kindly putting this Bill through so quickly and I hope the Bill will be of great benefit to the tenantry of Bengal.

Mr. HUMAYUN KABIR: Mr. President, Sir, in the concluding stage which this Bill has now reached, I would like to add a few remarks to what I said yesterday, particularly in view of the fact that the Hon'ble Minister in charge of the Bill was pleased to say yesterday that he would be glad to accept any constructive suggestion which may be given with regard to this Bill. I agree with him that this measure, in the strict sense of the term, is not controversial. I do

not agree with the honourable member who has just now spoken when he says that the intention of this Bill is to deal with small projects which should be carried out through the union boards. If my memory does not play false, the Hon'ble Minister himself mentioned yesterday that the intention of the Bill was to undertake big schemes, if necessary. As a matter of fact, one of the reasons advanced by him for keeping the Collector in charge of the scheme is that nobody else in the district could take charge of big works as contemplated under this Act. I would like to make one point clear. I criticise the giving of large power to the Collector. I do not object to the Collector as such being given large powers, but our experience is that generally civil officers do not have sufficient knowledge as to the manner in which such schemes should be undertaken. The experience of the last four years in the Arial Bil area bears out what I have said. I think it was in 1940, that the Irrigation Subdivisional Officer of Dacca was asked to give certain information with regard to the way in which the water-hyacinth pest in the Arial Bil area could be tackled. He made certain suggestions, but they have not been acted up to.

I think, Sir, it is a fact which bears repetition that in the year 1937 the cost of protecting the area was annas six and a half per acre, but after the Special Officer was appointed, the cost went up to Rs. 3-8. As yet, in most of the areas the cultivators have not paid this increased rate, because they complained that the cost was exorbitant and that they did not receive proper services and benefit from the Government. The Government machinery did not function properly here. In support of what I have said with regard to the attitude of the executive in these matters, I want to draw the attention of this House to a particular circular which was issued in Dacca in connection with certain agricultural loans. In the year 1938 some agricultural loans were given to the agriculturists in various parts of Bengal under Government orders and on the 24th August, 1938, it was stated in a Government circular that these agricultural loans would not be realized till the crop for 1940 had been actually harvested by the cultivator. Nevertheless, we find that the Circle Officer of the West Circle in Munshiganj in his circular No. 1087/32, dated the 22nd December, 1939, issued an order to the presidents of the union boards in which threats were held out unless the cultivators paid the agricultural loans by a specific date..... This is how the circular reads:—

মহাশয়, এতদ্বারা আপনাকে জানান যায় যে, গত নভেম্বর মাসে আপনার ইউনিয়ন হইতে কৃষি-ঋণ মোটেই আদায় হয় নাই। ইহা আপনার পক্ষে অতীব অপমানজনক এবং ইহাতে জিলা ম্যাজিষ্ট্রেট অসন্তুষ্ট হইয়াছেন। আপনি কৃষি-ঋণ-প্রাপ্ত ব্যক্তিগণকে ঢোল সহরৎ দ্বারা অবিলম্বে জানাইয়া দিবেন যে, নিম্নলিখিত তারিখে এবং স্থানে সমুদয়

ঋণের টাকা সুদসহ পরিশোধ না করিলে অস্থাবর ক্রোক এবং আইনের বিধান প্রয়োগ করিয়া, এমন কি প্রয়োজন হইলে বন্দুকের খোঁচায় সমুদয়-টাকা আদায় করা হইবে। এই কার্য্য বিশেষ জরুরী বিবেচিত হইবে।

A rough translation of that notice would he:—

"The president of the union committees informs me that there has been no collection of any agricultural loans from your union since November last. This is extremely dissatisfactory—the word used is '*Apaman*'—but the sense would be better conveyed by 'dissatisfaction'. The District Collector is extremely offended on account of your failure to realize these dues. You will inform all persons who have taken these agricultural loans, by beat of drum, that they must pay the dues from them together with interest by such and such date at such and such place and that, if they do not do so, all their movable property will be put to auction and all the other processes of the law may be set against them as well and, if necessary, the money may be realized at the point of the bayonet. This word should be considered as particularly important."

Now, Sir, we have the Government circular of 1938, dated the 24th August, that Government did not want that these agricultural loans should be realized before the cultivators had actually harvested the crop of 1940, and yet in December, 1939, we find one of the officers of the Government issuing a circular of this type. It is the language to which I want to draw your particular attention—"if necessary, the agricultural loans are to be realized at the point of the bayonet." Well, Sir, this shows that very often the executive allows its ideas of prestige and its ideas of carrying on the machinery of the administration to override even what is intended by the Ministers, and I think that the Hon'ble Ministers themselves often do not know what is actually happening in the rural areas With regard to this particular Arial Bil area, where water-hyacinth protection was undertaken, there have been, on occasions complaints about the unsatisfactory nature of the work performed by Government. On certain occasions, local officials, superior officers, have gone to inspect whether there was any foundation about these complaints. Now, what is surprising is that when the officers went to inspect, the persons who made the complaint, who made these charges, were not informed. On the other hand, the contractor who was personally interested in the matter was given previous intimation; this was the result. It is a very large area of about 125 square miles. Perhaps the charge was that the actual breach of the enclosure or rather of the barricade, had taken place in one particular place, but curiously enough the superior officer was taken to some other area. I think that the Hon'ble Minister himself will bear me out from his past experience in that area last summer, when I say that it is not possible

for a person to say anything about what is happening in another part simply by visiting one part of the area. In very many cases proper attention was not paid to the charges, although the persons who had made the complaints had done so not anonymously, but had put down their names and signatures informing the District Officers that at such and such particular places the fences had broken up. Still they were not informed when the superior officer went to inspect, but the contractors were informed, with the result that it was not possible for the superior officer to know the exact extent of the damage nor the exact extent of the damage to the crops. The result has been that the Hon'ble Ministers themselves have been compelled to make statements on the floor of this House which were not quite accurate because the information that was supplied to them was not accurate or sometimes was one-sided, and not fully representative.

Sir, the experience of the last four years has shown that the executive Government has failed to deal with this problem. It is known generally that in East Bengal water is much deeper during other periods as compared with January or February. If this work of barricade is not completed by the middle of February, the water begins to increase again about the middle of March or the end of March. It becomes a more difficult operation and more expensive as well as less suitable. The earth becomes softer and consequently these posts cannot be fixed firmly in the ground for the purposes of fencing. This could be done if the work had been undertaken earlier in the year. Instead of that, we find every year the work is undertaken too late. It has never been done at the proper time, with the result that the work is less durable, renewed continually and less satisfactory. This explains why Government undertakings have become more expensive. In 1937, when the cultivators, through a committee of their own, dealt with this area the cost was annas 6-6, as I mentioned yesterday. After the Government undertook the charge, the rate which was assessed on the cultivators was Rs. 3-8 per acre. My honourable friend Khan Bahadur Saiyed Muazzamuddin Hosain, has just now said that he thought that it was a small problem and ought to be dealt with locally. The union committees can put in a few bamboo posts. Here the Hon'ble Minister will agree that this has proved to be an utterly wrong way of dealing with the problem, namely, putting a few bamboo posts. Very often it is found that a bamboo post cannot stand the pressure of the water-hyacinth. Also, they become useless if they are not replaced every year by new ones. If they are replaced every year, the capital charges become very much larger. I am told that trunks of *gazar* trees have proved suitable for these posts. The cost of these trees will be Rs. 50 or Rs. 55 per 100, whereas the cost of bamboos will be about Rs. 40. If these posts are properly placed in the months of January

and February, they can be driven firmly into the ground. And thus they offer proper protection against the incoming of the water-hyacinth when water begins to increase again with the onset of summer.

Specific complaints have been made by particular persons and their addresses given, but public opinion in that area has not been consulted. I think the Hon'ble Minister visited that area in July last, if I am not wrong. I also think that he complimented the people of the locality on their sense of corporate activity, on their political consciousness, and on the fact that they themselves had built up such a fine scheme. What is true of this locality is equally true of other localities. The people of every area can develop a corporate sense if given an incentive. This Government, as a popular Government, ought to recognise this and help to develop a corporate sense amongst the people of every locality. They should not like the old bureaucratic Government, think that they need not consult local opinion, because theirs is a popular Ministry. In fact, there is no reason why they should not consult local opinion, take their advice, particularly in checking misuses, undue expenses and abuses of public money in other ways.

Sir, I think I have already pointed out the way in which local officials fail to sense or respond to public opinion. It is because of the prestige which is attached to the executive service of the province. I also mentioned yesterday, Sir, the fact that in many cases the schemes were not properly worked out. The Hon'ble Minister has, however, assured us that schemes will be properly worked out and their details will be gone into. We are thankful for that statement of the Hon'ble Minister. At the same time, I think he will himself admit that it is not possible to work out all these details completely on paper beforehand. Many things will have, per force, to be done on the spot. Government will have to consult public opinion on the spot, particularly people who have taken an interest in these things, people who have experience of dealing with these problems. This to my mind is extremely important. Also I think, that this year, 1940, itself shows, that the work was done in a haphazard manner at a later date and has entailed the re-doing of what might have been done at once. If the work had been done properly at the first stage, the fencing would have stood for 8 to 10 years; but as they were not properly done, in many places the fencing has already given way. This has led to damage being caused to the crops of the cultivators, particularly of those cultivators who have taken a keen initiative in reclaiming these areas by trying to build up fencings of their own, in this way bringing under cultivation lands which normally would not have been cultivated. Therefore, I would request the Hon'ble Minister, before he finally puts the Act into operation, to consider two suggestions.

On the one hand, there should be some sort of a consultative committe, composed of the leading representatives of the area—M.L.A.'s.

and M.L.C.'s. of the district might themselves serve as a nucleus for a committee of this type,—and in addition to that, the Hon'ble Minister might provide that there should be some representatives of cultivators—people who come from the cultivating classes themselves, people who from their own practical common sense and experience might be of great help to the Collector in framing schemes and checking expenses. The second point for the Hon'ble Minister's consideration is the question of compensation to those whose crops are destroyed for no fault of theirs. This very year, in certain parts in the Arial Bil area, crops have been destroyed not through any fault of the cultivators, but because there were defects in the fencing undertaken on the initiative of the Government itself. Water-hyacinth entered upon their lands and their crops were destroyed. In such cases, there should be provision for compensation for the cultivators. If that is not done, there will be no reward for initiative or the proper exercise of industry and energy on the part of the cultivators.

Two points must be kept in mind, namely, the constitution of a proper consultative committee: not a nominated committee, be it noted, because we know what that means. We know that in the jute committees that we have all over Bengal, people have been put in only for extending patronage to certain people in whom the Hon'ble Ministers or their supporters might be interested. We know nomination has always served to bring to the fore only those people who want to maintain themselves in authority and power, not people who are really interested in the affairs of the locality. People who have by their service earned the gratitude and recognition of the people of that locality are not those who are nominated. In a word, Sir, nomination has done more harm than good. Even if we admit that there have been occasional instances where nominated members have exerted a good influence, yet it must be admitted that, generally, nomination has failed. I would, therefore, request the Hon'ble Minister not to extend this vicious principle of nomination once again to such a committee.

The second point which relates to compensation, more or less completes what I have got to say with regard to this particular Bill, and I will conclude my speech by going back to what I said with regard to the Collectors being charged with the framing of schemes. I have been trying to impress upon the House that the Collectors fail in these matters because of lack of expert knowledge and try to cover up with the cloak of prestige the errors and blunders they commit. If the Collectors use the machinery that is already there, some of these drawbacks may be overcome. I believe that the ordinary Public Works Department overseer is in very many cases a person better able to judge of these things. There is no reason why the Collectors should not use such machinery as exists, although the ultimate authority and responsibility may be vested in the Collector. We have no quarrel with this

view of the matter, particularly if as a check upon his actions, there be the consultative committee. Besides, the Collector will also be acting under the supervision of the Hon'ble Minister who we hope, will pay more attenion then he has hitherto done to this most important of problems so far as Eastern Bengal is concerned. Sir, finally I would say that, as far as we can see, this Bill does not provide for any retrospective application. We hope that the provisions will not be used in penalising the cultivators in the Arial Bil area. They have by their initiative brought the land under cultivation and refused to pay the rate because it is exorbitant. It should be the task and the duty of the Hon'ble Minister to see that a compromise is effected with the cultivators. Why should not the Hon'ble Minister come to terms with the cultivators of this area? You cannot expect the cultivators to pay such a high rate. If Government are prepared to compromise with the cultivators and bring down the rate from Rs. 3-8 to something more reasonable, I have no doubt, human nature being what it is, that the cultivators would also accept a little higher rate than what they were paying previously; and in this way, Government would actually be able to work the project in this area. I think the Hon'ble Minister has a duty in this matter. In putting into operation the provisions of this Bill in the Arial Bil area, which is one of the biggest type of Bils in Eastern Bengal, I hope he will show imagination and sympathy and win over the cultivators by offering them suitable terms.

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr. President, Sir, I do not want to make a long speech in commending the motion to the acceptance of the House. I thank the honourable members of the House for allowing this Bill to be passed without any opposition. I am particularly thankful to my honourable friend, Khan Bahadur Saiyed Muazzamuddin Hosain, at whose initiative this Bill has been sponsored by the Government. The whole idea underlying this amending Bill is to amplify the provisions of section 13 of the Act, and I think the way in which this section is being amended will make its provisions more useful in dealing with not only small but large areas. My friend Khan Bahadur Saiyed Muazzamuddin Hosain has expressed certain apprehensions about the working of this measure. His apprehension is that if exorbitant expenditure is incurred in preparing the schemes, then the whole purpose of the measure will be defeated, because it will be difficult for the cultivators to pay the cost. Sir, this point will certainly be kept in mind. The aim of working of such schemes will be to have them done as cheaply as possible. It is not the intention of Government to put any undue burden on the cultivators: that will certainly defeat the purpose. He has also made certain suggestions as regards the rules to be framed under section 13(*1*) of the Bill. They will certainly be kept in mind, and I may say that the rules under

that section will be very soon formulated. He has said that this measure is not probably intended to deal with big *bils* like the Arial Bil; that is his idea. But the idea of the Government is that this Act will be a very good measure for dealing with big *bils* also. The Arial Bil, of course, is a very big area. It comprises about one-sixteenth of the entire area of the district of Dacca. Therefore, there is no doubt that naturally it would be very difficult to prepare a comprehensive scheme to deal with such a big area. But unless such big areas can be effectively dealt with, the purpose that the Government have in view will not be properly served. In fact, my one regret is that this Bill could not be passed earlier, because, as it now stands, this measure cannot be placed on the Statute Book before the next session of the Legislature. Therefore, this measure cannot be applied for framing schemes and putting up barricades, fences, etc., in the next paddy crop season. It is unfortunate that so far as the next paddy crop is concerned, the purpose will be frustrated.

My friend, Mr. Kabir, as yesterday, has given me several pieces of advice to-day also. Sir, I think the way in which he has dealt with this question shows as if the Arial Bil is the only project that is contemplated to be dealt with under this measure. He was so full of that area during his whole speech that I could not gather any other impression than that from what he said. But I think he has been labouring under several misconceptions. He is blaming the executive authorities of Government for inefficient execution of the Arial Bil scheme. Sir, probably he does not know that Government as such has not taken up that scheme at all. The entire scheme is in charge of a local committee. Of course, there are some officials on that committee, but there are non-officials also, and I think there is a non-official majority even. Government has appointed a Special Officer, but the Special Officer has been appointed to help that committee and for nothing else. Unfortunately, Sir, the way in which things are being done there has given rise to several problems and for one of those problems I am constrained to lay the blame on certain persons belonging to the group of politics to which my honourable friend, Mr. Humayun Kabir, belongs; because I, on personal inspection, found that a definite non-payment mentality has been created amongst the cultivators of the locality. The idea has been instilled into them that if they refused to pay, they will not have to pay. Sir, this mentality is very regrettable and if this mentality persists, I think no good will be done to this area on account of the operation of this measure.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Under what Act is this tax to be realized in the Arial Bil area?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is the unfortunate part of it. There is no Act. These dues cannot be legally realized.

There is, as I have already said, a non-official committee. The non-official committee has taken up the work with the tacit consent of the people of the locality on the understanding that the cost will be repaid by the cultivators who are benefited. But unfortunately this object is being frustrated.

Sir, my friend also dealt with certain notices about the realization of agricultural loans being issued in this area. Sir, I have no personal knowledge about these notices at all. But I fully agree that so far as our poor cultivators are concerned, it is not by undue pressure or coercion that dues should be realized from them but as far as practicable by persuasion. I know the cultivators of this province very well as every honourable member knows. They are all law-abiding. There is no non-payment mentality inherent in any section of our cultivators, but unfortunately that mentality is created in some places by certain class of persons for their ulterior ends to the detriment of the cultivators themselves through whom they operate.

Then, Sir, ultimately my friend has given two constructive suggestions. One is for the setting up of a consultative committee. Sir, the provisions that are now being considered, actually contemplate consultation, because objections will be invited and all persons interested will be entitled to file objections. That presupposes that there will be consultation, but what my friend wants is the setting up of a consultative committee. At the same time he also emphasises that such a committee should never be a nominated committee, but should be an elected committee. Here, I fail to understand how that will be possible, because this Bill makes no provision for the setting up of such an elected committee. Unless there is a provision in the Act itself, there will be no law for the creation of such elected committees. If the Collector unofficially makes arrangements for electing such committees, my friend will probably be the first to object that the Collector has done all in his own way and therefore the real will of the people was not reflected in such election. Therefore, I feel, Sir, that in a matter like this if the Collector exercises his judgment, and if a committee is ultimately decided to be set up, a nominated committee will serve the purpose. If actually a committee was in the mind of my honourable friend, then he could have certainly tabled appropriate amendments providing for the setting up of such committees and providing for the election and also providing for the qualifications of electors to elect such a committee.

His other suggestion is that compensation should be paid to those persons whose crops are destroyed for no fault of theirs. This is, to my mind, a very dangerous insinuation. Sir, the whole thing will be done for the good of the cultivators and for no other purpose. Now, if in spite of all precautions something untoward happens, a barricade at a particular place gives way and the water-hyacinth rushes in and destroys the crops and if everyone whose crop is thus destroyed is to get

compensation, then a cultivator instead of making laborious attempts to rear his crops and harvesting them would rather be interested in allowing his crops to be destroyed and then get his compensation. That, Sir, I think is a dangerous proposition. I agree to what he said yesterday that if unfortunately a particular person's crops are destroyed for no fault of his, he should not be liable to make payment. This is quite a reasonable proposition, and I shall take note of that. The suggestion that compensation should be given is positively dangerous.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: The question before the House is: that the Bengal Water-Hyacinth (Amendment) Bill, 1940, as settled in the Council, be passed.

(The motion was agreed to.)

Adjournment.

The Council was adjourned till 3 p.m. on Thursday, the 12th December, 1940.

Members absent.

The following members were absent from the meeting held on the 10th December, 1940:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Kader Baksh.
(3) Khan Bahadur Rezzaqul Haider Chowdhury.
(4) Mr. Narendra Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Mr. Kanai Lal Goswami.
(7) Mr. Mahomed Hossain.
(8) Khan Bahadur Syed Muhammad Ghaziul Huq
(9) Khan Bahadur M. Abdul Karim.
(10) Khan Bahadur Muhammad Asaf Khan.
(11) Maulana Muhammad Akram Khan.
(12) Mr. W. B. G. Laidlaw.
(13) Sir T. Lamb.
(14) Khan Sahib Subidali Molla.
(15) Mr. Naresh Nath Mookerjee.
(16) Khan Bahadur Kazi Abdur Rashid.
(17) Dr. Kumud Sankar Ray.
(18) Mr. J. B. Ross.
(19) Mr. W. F. Scott-Kerr.
(20) The Hon'ble Sir Bijoy Prasad Singh Roy.
(21) Dr. Kasiruddin Talukdar.

B. G. Press—1940-41—11040A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 12th December, 1940, at 3 p.m. being the third day of the Third Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Outstanding questions of previous Session and answers thereto.

Upper and lower primary schools in the district of Jessore.

130. Mr. K. C. ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) the number of upper primary and lower primary schools and madrassahs in the district of Jessore;

(b) the names of villages in which these schools are situated;

(c) the amount of grant-in-aid given to each school and madrassah every month; and

(d) the dates of the last payments of such grant-in-aid to each school and madrassah?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq, Minister in charge of the Education Department): (a) The figures are—

Upper primary schools	...	680
Lower primary schools	...	1,582
Madrasahs	...	48

(b) to (d) Statements containing the information are laid in the Library.

Appointment of the Principal of the Serajganj College.

131. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the total number of members of the Governing Body of the Serajganj College and the names of such members?

(*b*) Was the post of Principal of the Serajganj College advertised? If so, how many times was it advertised before the post was actually filled up?

(*c*) What are the qualifications of each of the candidates for the post? What are the qualifications of the person who has been appointed, and those of the person who was rejected?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) A statement is laid on the Table showing the names and other particulars of the members of the Governing Body of the Serajganj College. The total number of members is 12.

(*b*) Yes. The post was advertised in the *Amrita Bazar Patrika* and the *Statesman* for a week on alternate days.

(*c*) A statement showing the qualifications, etc., of the candidates for the post of Principal is laid on the table. Mr. Syed Karim Uddin Ahmed who is number 16 in the statement, has been appointed to the post.

Statements referred to in the reply to clause (a) of question No. 131, showing the names of the Members of the Governing Body of the Sirajganj College, Sirajganj.

Name.	Qualification.	Representation.
(1) Mr. J. N. Mitra ..	M.A., B.L., B.C.S. ..	The Subdivisional Officer, Ex-officio President.
(2) Mr. S. K. Ahmed ..	B.A. (Alig.), B.A. Hons. (London).	Principal.
(3) Professor S. M. Podder.	M.A. ..	Representative of the staff.

Name.	Qualification.	Representation.
(4) Professor Hassan Ali	Mumtazal-Muhaddesin Title Course.	Representative of the staff.
(5) Mr. Abdur Raschid Mahmood.	B.L., M.L.A., Chairman, District Board, Pabna, Member, District School Board, Member, I. I. College, Member, Local Board, President, S. D. Union Board Association.	Honorary Secretary.
(6) Mr. Abdulla Al Mahmood.	M.A., B.L., M.L.A., Member, District Board, Pabna, Chairman, Sirajganj Municipality, Member, S. I. Girls' High English School, Governing Body.	Representative of the District Board, Pabna.
(7) Khan Sahib Maulvi Md. Osman Ghani, Member, District Board, Pabna.	Member, District School Board, Vice-President, S. D. Union Board Association, Municipal Commissioner, Chairman, Local Board, Secretary, Rural Debt Council, Secretary, Adult Education Council.	Ditto.
(8) Khan Sahib Maulvi Syed-Akbarali.	B.L. 1st., Vice-Chairman, Local Board, Sirajganj, Secretary, S. J. Madrasah, District Board, Pabna, Member, District School Board, Pabna, Member, I. I. College, Committee.	Ditto.
(9) Dr. P. N. Choudhuri	M.B., leading medical practitioner, Secretary, S. I. Girls' High English School, Sirajganj.	Nominee of Government.
(10) Maulvi Ali Shraf Khan	B.L., Member, Local Board, Member, I. I. College Committee, Sirajganj.	Nominee of the Subdivisional Officer.
(11) Rai Pranesh Chandra Sen Bahadur.	B.L., Secretary, B. L. High English School, Sirajganj, Member, District Board, Pabna.	
(12) Mr. Sashi Lal Roy ..	B.L., Vice-President, B. L. High English School, Sirajganj.	

Statement referred to in the reply to clause (c) of question No. 131, showing

Name.	Age.	Qualification.	Teaching experience.
(1) Mr. Nani Gopal Ganguli.	38	M.A. (Cal.), Philosophy.	Working Lecturer, Feni College.
(2) Mr. P. N. Mullick ..	Nil	M.A. (Cal.), Philosophy.	Temporary Lecturer, Vidyasagar College and City College.
(3) Mr. B. K. Roy ..	56	M.A. (Cal.), English	Worked as Professor, Dacca University. Practised as lawyer.
(4) Mr. M. C. Nag ..	33	M.A. (Cal.), Mathematics.	Principal, Sir Ashutosh College.
(5) Mr. Upendra Nath Gupta.	57	M.A. (Cal.), Philosophy.	Served in several colleges. Retired Professor, Dacca University.
(6) Mr. M. H. Das Gupta	36	M.A. (Cal.), English	One month Islamia College, Calcutta, 1930, D. A. V. College, Jollinder City, Punjab. Published some paper. Editor, College Magazine.
(7) Mr. Prafulla Kumar Chatterjee.	Nil	M.A. (Cal.), Philosophy.	Lecturer, Saadat College, Karatia.
(8) Mr. N. C. Ganguli ..	54	M.A. (Birmingham), Philosophy by Thesis, 1920.	Professor, Scottish Church College, one Session. Bankura College 6 years.
(9) Mr. Bhudar Chandra Guha.	44	M.A. (Cal.), English	Lecturer, Serampur Missionary College.
(10) Mr. M. Ghose ..	37	B.A. (Oxon.), M.Sc., (Penn.).	Doing Private tuition ..

the qualification of candidates for the Principalship of the Sirajganj College.

Administrative experience, etc.	Remarks at interview by Selection Board.			
	Delivery.	Health and Physique.	Personality.	Remarks.
Nil	Bad ..	Bad ..	Bad ..	Rs. 200+ quarters demanded.
Nil	Absent.			
Nil	Bad ..	Bad ..	Bad ..	Rs. 150 demanded. Retired.
Principal	Bad ..	Bad ..	Bad.	
Worked as Proctor. Sometimes asked by V. C. to take charge of Philosophy Department. Examiner, Calcutta University.	Bad ..	Bad ..	Bad ..	Higher salary demanded. Too old and stammers.
Nil	Absent.			
Nil	Absent.			
Principal, Visva-Bharti, 5 years. Officiating Principal and Vice-Principal, Friends' Intermediate Institution, 2 years.	Absent.			
Nil	Excellent	Good ..	Good ..	No sportsman. No experience as Principal or Vice-Principal.
Principal and Vice-Principal, C. S. College, Sindh.	Bad ..	Good ..	Bad ..	Rs. 200 demanded.

Name.	Age.	Qualification.	Teaching experience.
(11) Dr. J. K. Das Gupta	Nil	M.A. (Cal.), English. Ph.D. (London), Bengali.	Working Lecturer, English. D. I. College, Rewa State.
(12) Dr. M. M. Mukherjee	Nil	Ph.D., D.Sc., Dip. in Teaching (London).	Professor, English, Armenian College, Calcutta, for 7 years.
(13) Mr. M. Ali Alvi ..	Nil	B.Sc. (Alig.), M.Sc. (Alig.), Geography. Did research in London not completed.	Lecturer, Aligarh Moslem University.
(14) Mr. Azim Uddin ..	Nil	M.A. (Cal.), English	School teacher, 2 years. Lecturer, Saadat College, since 1931. Served 2 months, Islamia College, Calcutta.
(15) Mr. A. Aronson (not British born.)	27	B.A. Cantab. (English). Ph.D. (France).	Lecturer, Visva-Bharti, Santiniketan.
(16) Syed Karim Uddin Ahmed.	28	B.A. (Alig.), Politics. B.A. Hons. (London), History. Studied some aspect of Inter-Collegiate and Administrative system of the Universities of Europe. Represented students in the Students' Conference, England.	Worked as Professor, History and Politics, B. N. College, Patna University, several years. Prepared text-books on History. Working for a Thesis on Islamic Political Thought.

Administrative experience, etc.	Remarks at interview by Selection Board.			
	Delivery.	Health and Physique.	Personality.	Remarks.
Vice-Principal, D. I. College, Rewa State.		Absent.		
Principal, Jubilee College, Mirzapore (United Provinces), 6 years.		Absent.		
Nil		Absent.		
Nil		Absent.		
Nil		Absent.		
Worked for Principal, as Officer-in-charge, as Warden, B. N. College Hostels. As Bursar, B. N. College. Worked in Bihar Government Mass Literacy Campaign. Served Examiner, Patna University. Member, Executive, School of Oriental Studies, London University, Union. Editor, S. O. S. (University of London), Union Magazine. Joint Editor, B. N. College Bulletin. Assistant Secretary, International Circle of Arts and Literature, London. Secretary, Dramatic and Filimcritique Association, London. President, B. N. C. Hist. S. Published a number of articles.	Good ..	Excellent	Excellent	Appointed on Rs. 125 per mensem. Probation 6 months.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if Mr. Syed Karim Uddin Ahmed who has been appointed Principal is a Bengalee?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, he had his education at Aligarh and perhaps he comes from the United Provinces.

Mr. LALIT CHANDRA DAS: Is it a fact that no suitable Bengalee candidate could be had for the post?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The appointment was not confined to Bengalee candidates and the Governing Body chose the best candidate available for this post.

Jagannath Intermediate College, Dacca.

132. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if the Jagannath Intermediate College, Dacca, is a Government College? If not, what is the status of that College?

(*b*) Is it a fact that an Act, known as the Jagannath College Act, was passed by the Imperial Council about twenty years ago? What was the object of that Act?

(*c*) Will the Hon'ble Minister be pleased to say as to who is responsible for running the Jagannath Intermediate College?

(*d*) Who appoints the Governing Body of the Jagannath Intermediate College? What is the position of the Government with regard to that College?

(*e*) Is it a fact that the Public Works Department of this Government look after the Jagannath Intermediate College buildings?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) It is an aided College.

(*b*) Yes. The objects and reasons for enacting the Jagannath College Act were stated in the Statement of Objects and Reasons of the Bill as follows:—

> It was at first intended to give an interval of time subsequent to the bringing into operation of the Dacca University Act, during which the Trustees of the Jagannath College might consider the terms of their Trust and take the action necessary to enable them to participate in the new University. The Trustees, however, expressed their desire to see the

College (so far as its classes above the intermediate stage are concerned) amalgamated with the University of Dacca from its inception in the form of a Hall. This Bill clears the way to such an amalgamation by superseding the Trusts on which the Jagannath College property is held and handing over the institution, together with that property, to the Government. This will permit of the foundation of the Jagannath Hall (which will be specifically mentioned in the Dacca University Bill), and will enable the Government of Bengal either to retransfer the bulk of the property to the Trustees or otherwise to deal with it with a view to its utilisation as an Intermediate college in the city of Dacca, or for such other purposes as may appear suitable.

(*c*) The Governing Body of the College.

(*d*) Government. The position of College in relation to Government is stated in this Government Resolution No. 1152-Edn., dated the 13th June, 1921, a copy of which is laid on the table.

(*e*) Yes.

Statement referred to in the reply to question No. 132.

GOVERNMENT OF BENGAL.

EDUCATION DEPARTMENT.

Education.

RESOLUTION.

No. 1152-Edn.

Calcutta, the 13th June, 1921.

Next month will see the opening of the first session of Dacca University, and it is understood that the Dacca University Act (Act XVIII of 1920) will come into force on the 1st July, 1921.

2. The starting of Dacca University involves the closing of the Jagannath College, Dacca, as a first grade college affiliated to the University of Calcutta. This was foreseen. Dacca University will from the outset include the Jagannath Hall and in the winter session of 1920, the Indian Legislative Council passed an Act (Act No. XVI of 1920) to transfer the Jagannath College from its trustees to the

Government of Bengal. This Act received the assent of the Governor-General on the 20th March, 1920, and according to sub-section (2) of section 1 of the Act it was to come into force on such date as the Governor-General in Council might, by notification in the *Gazette of India*, direct.

3. In notification No. 769, dated the 31st May, 1921, the Governor-General in Council was pleased to direct that the Jagannath College Act should come into force on the 4th June, 1921. The Jagannath College, Dacca, is therefore now the property of the Government of Bengal.

4. One of the features of the Dacca University scheme is that the University's curriculum excludes what is now the first and second year course, whether in arts or science of the Calcutta University syllabus, and begins at the stage on which a Calcutta University student enters, after passing the Intermediate Examination of that University. Moreover, while section 47 of the Dacca University Act withdraws, on the commencement of the Act, any privileges which may previously have been granted by any University incorporated by law in British India, other than the University of Dacca, to any educational institution situated within the limits of Dacca University as defined in the Act of Incorporation, and prohibits any such educational institution from being associated with, or admitted to any privileges of, any such University other than the University of Dacca sub-section (5) of section 6 of the said Act ordains that it shall not be lawful for the University of Dacca to conduct courses or maintain classes for the purpose of preparing students for admission to the University.

5. The Government of Bengal (Ministry of Education) have already, in their Resolution No. 1011-Edn., dated the 7th May, 1921, constituted a temporary and provisional board for the direction and control of secondary and intermediate education within the Dacca University area, and among the duties assigned temporarily to this Board will be the conduct of examinations at the Matriculation and Intermediate stages. During 1920, the Governor in Council had worked out a scheme for intermediate colleges in Dacca, and in July, 1920, the Dacca Intermediate College (a Government Institution) was opened on a temporary and provisional basis.

6. This scheme is now under the consideration of the Government of Bengal in the Ministry of Education, but pending a decision on the general question, it is essential that provision should be made in Dacca for intermediate classes. The Government of Bengal (Ministry of Education) have decided that the Dacca Intermediate College should be continued, possibly with some modifications, on the temporary and provisional basis on which it was instituted. They have also decided,

after consulting the local authorities, to inaugurate as a provisional measure an intermediate college in the Jagannath College buildings on an aided basis.

7. The Government of Bengal (Ministry of Education) therefore appoint the following to constitute the governing body of the Jagannath Intermediate College:—

Member and President (ex-officio).

(1) The Commissioner of the Dacca Division.

Members.

(2) Khan Bahadur Khwaja Muhammad Azam, M.L.C., a member of the District Moslem Association, Dacca.

(3) Khwaja Nazimuddin, Bar.-at-Law, member of the Provincial Muhammadan Association, Dacca.

(4) Choudhury Kazemuddin Ahmed Siddiqui, a member of the Dacca Municipality, and Vice-President of the Provincial Muhammadan Association.

(5) Babu Rebati Mohan Das, a member of the East Bengal Landholders' Association.

(6) Babu Sarat Chandra Chakrabarty, a member of the Dacca Municipality, and Chairman of the Dacca District Board.

(7) Mr. P. K. Bose, Bar.-at-Law.

(8) Babu Dhirendra Chandra Roy, Vice-Chairman, Dacca Municipality, and representative of the Trustees of the Jagannath College.

(9) The Rev. J. L. Fawcett, Oxford Mission, Dacca.

(10) The Rev. Harold Bridges, Baptist Mission, Dacca.

(11) Nawab Khwaja Muhammad Yusuf, Khan Bahadur, a representative of Dacca Intermediate and Secondary Education Board.

(12) A member of the Jagannath Intermediate College teaching staff, to be elected by that staff.

Member and Secretary (ex-officio).

(13) The Principal of the Jagannath Intermediate College staff.

8. The Government of Bengal (Ministry of Education) will place at the disposal of the governing body, free of all charges, the buildings and equipment of the Jagannath College, and it will be the duty

of the governing body, with the assistance of a grant from Government and subject to the general stipulations prescribed in the grant-in-aid rules, to maintain and conduct the institution working as an intermediate college in accordance with the general conditions imposed on such institutions by the Dacca Intermediate and Secondary Education Board.

9. The first duty of the governing body will be to settle, in consultation with the Intermediate and Secondary Education Board, the courses of study which in their opinion, the college should provide, and thereafter to draw up definite and detailed proposals for staffing the college and for meeting its other needs. A budget showing the anticipated receipts and proposed expenditure of the college from the date of its opening up to the 28th February, 1922, should then be drawn up on the basis of these proposals and presented to the Education Department, and on the basis of this budget the Government of Bengal (Ministry of Education) will assess the monthly grant-in-aid which they will be prepared to sanction for the remainder of the current financial year.

10. The Government of Bengal (Ministry of Education) reserve to themselves the right of converting, at any future date, the Jagannath Intermediate College into a Government Institution. Therefore the arrangement outlined above, being of necessity provisional, the governing body should not enter into any agreement with any of its proposed employees extending beyond the coming session (1921-22). It will also be necessary for the governing body in working out the arrangements for the conduct of the college to observe all possible economy. The Government of Bengal (Ministry of Education) trust that in designing the courses for the college the governing body will not overlook the present demand for practical courses of study leading up to definite vocations in life.

11. The governing body appointed in this Resolution will hold office until the close of the coming academical session, 1921-22.

By order of the Government of Bengal (Ministry of Education),

Sd. L. S. S. O'MALLEY,

Secretary to the Government of Bengal.

Extensions of service to the present Principal of the Jagannath Intermediate College, Dacca.

133. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state who is the present Principal of the Jagannath Intermediate College, Dacca?

(*b*) Will the Hon'ble Minister be pleased to state when the present Principal retired from Government service?

(*c*) What was the amount of pension granted to him?

(*d*) What was the maximum salary that he drew before he retired?

(*e*) Is it a fact that the Principal draws Rs.100 more in pension and salary after his retirement than what he was drawing before retirement?

(*f*) How many extensions, and of what durations, has the present Principal been given after his retirement?

(*g*) When was the last recommendation made by the Governing Body for his extension?

(*h*) Has that recommendation been accepted by Government? If so, on what grounds?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Rai Satyendra Nath Bhadra Bahadur.

(*b*) 16th November, 1929.

(*c*) Rs.400 per mensem.

(*d*) Rs.800 per mensem.

(*e*) Yes.

(*f*) Three extensions—

(*i*) 16th November, 1929, to 15th November, 1934.

(*ii*) 16th November, 1934, to 15th November, 1939.

(*iii*) 16th November, 1939, to 30th June, 1941.

(*g*) 6th October, 1939.

(*h*) Yes. The Governing Body unanimously recommended the extension and as Government were satisfied that the retention of his services till the beginning of the academic session of 1941-42 was necessary in the best interest of the college, they accepted that recommendation.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what is the present age of the Principal of the College?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I ask for notice.

Students' strike in the Jagannath Intermediate College, Dacca.

134. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is a fact that there was a strike of the students of the Jagannath Intermediate College in 1938?

(*b*) What were the causes of the strike? How was the strike ended?

(*c*) Is it a fact that Government published certain rules for the formation of the Students' Union at the college?

(*d*) Will the Hon'ble Minister be pleased to state if those rules were followed in the matter of the formation of the College Union after the strike? If not, why not?

(*e*) Is it a fact that the Government Auditor reported certain serious irregularities regarding the administration of the college a few years back? How did the Government deal with the Auditor's report?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) It was a part of an organised attempt to undermine discipline and to create political unrest among the students in educational institutions in Dacca. Two agents of the All-Bengal Students' Federation, the malign influence of which has been a distressing feature in all strike movements of recent times, specially came down from Calcutta and assisted by certain released detenus were constantly at the gates with the picketers. Their plans, which were never clearly expressed, were directed towards making the various college societies of the union the forum for political propaganda and for preaching communistic doctrine and open defiance of authority.

A strong attitude was taken and when the deluded students and their guardians realised that they were only losing valuable time, the strike collapsed.

(*c*) Yes. The Government of Bengal in the Jagannath College Account Rules, 1935, laid down certain rules for the administration of the College Students' Union Fund, and gave a skeleton outline of the various sections of the union, as it existed at the time.

(*d*) No material changes were made but the existing rules were implemented by the drawing up of a set of bye-laws, outlining the functions of the different sections of the union and making it more representative of the various college classes and of the different sections of the community, e.g., Hindu, Muslim and Scheduled Castes—thus minimising possible sources of friction.

To give the students opportunities of training in social service and rural uplift work, so important in present-day social life, a Humanitarian Section was opened.

The Principal is the *ex-officio* President of every Committee and with the Treasurer and the Accountant controls and regulates all expenditure and is the final authority on all matters of controversy. The accounts are regularly audited by the Government Auditor.

(*c*) A number of irregularities were pointed out and Government issued orders calculated to prevent recurrence of such irregularities in future.

Government grant-in-aid to the Kamrunnessa School and College, Dacca.

135. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether the grant-in-aid to the Kamrunnessa School and College at Dacca has been stopped from this year;

(*b*) if so, when was the order conveyed to the said institution;

(*c*) what amount used to be paid to this institution by the Government as grant-in-aid; and

(*d*) what was the number of students in the said institution for which the grant-in-aid used to be paid?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) to (*c*) The Kamrunnessa Girls' School, Dacca, has been in receipt of a grant-in-aid of Rs.500 per month. Orders are under issue for the renewal of the grant-in-aid for the current year.

The College Section of the institution has never been in receipt of a recurring grant-in-aid. Government, however, paid a grant of Rs.6,000 to the College Section during the year 1939-40 on a non-recurring basis. It was not found possible to provide funds during 1940-41. Orders to that effect were conveyed to the Board of Intermediate and Secondary Education, Dacca, in a letter dated the 8th July, 1940. The Board are reported to have transmitted the orders to the institution on the 11th July, 1940.

(*d*) The number of students in the main and branch schools was 658.

The number in the College Section was 170.

Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister be pleased to state if the grant-in-aid to the said school was ever suspended during the last four years?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not that we know of.

Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister be pleased to state if he is contemplating a renewal of the grant to the Ashutosh Girls' College?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: May I submit that this does not arise out of this question?

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether or not the college authorities applied for a recurring grant for the College Department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to the answer already given where it is said that it was not possible to make any grant of a recurring nature, but that a non-recurring grant of Rs. 6,000 was made.

Rai Bahadur KESHAB CHANDRA BANERJEE: Having regard to the fact that the stoppage of the non-recurring grant of Rs. 6,000 has seriously affected the financial position of the college, do the Government propose to renew the grant this year?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, the grant was non-recurring and no question of making it every year arises.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, my question has not been answered. I asked as to whether or not an application for a recurring grant was made; if so, what was the amount asked for?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: An application was made for a grant; but I am sorry I have not got with me the exact figure for which the college authorities applied.

(A VOICE: That is already given in the printed answer.)

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to have an enquiry made as to what minimum amount is required by the institution in order to keep it going?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If the honourable member so desires, the matter will be enquired into.

The Subordinate Educational Service in Bengal.

140. Rai Sahib JOGENDRA NATH ROY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state how many Government servants of the Subordinate Educational Service in Bengal have been abroad and have returned from foreign universities with technical qualification in Education in course of last three years?

(*b*) How many of them have additional qualifications of British degree?

(*c*) How many of these British degree-holders have been promoted to Headmasterships and how many to District Inspectorships and how many to Professorships in the Training Colleges?

(*d*) How many of these British graduates are now Assistant Head Masters and how many are Subdivisional Inspectors? For how long are they (Assistant Head Masters and Subdivisional Inspectors, mentioned above) serving under the Government?

(*e*) How many vacancies of Head Masters and how many of District Inspectors have fallen vacant during these last three years?

(*f*) How many of the respective vacancies above have been filled up by the Hindus? Has the 50 per cent. ratio been maintained?

(*g*) Are lesser qualified men with lesser experience promoted to Bengal Educational Service and Bengal Senior Educational Service in the Inspectorate?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Thirty-four.

(*b*) Six.

(*c*) One to a Headmastership.

None to a District Inspectorship or to a Professorship in Training Colleges.

(*d*) None as Assistant Head Master but one is a Subdivisional Inspector and is serving under Government since 22nd July, 1926.

(*e*) There were 21 vacancies (permanent and quasi-permanent) in the posts of Head Masters and 11 such in those of District Inspectors.

(*f*) Of the 21 vacancies in Headmastership, 8 were filled by Hindus and of the 11 vacancies in District Inspectorship 6 were filled by Hindus.

Of the 32 vacancies mentioned above, 5 were filled by direct recruitment and the rest by promotion. The question of communal ratio does not arise either in cases of promotion or in a class or classes of appointment in a particular cadre of a service. In the present case, the Head Masters and District Inspectors occupy only a fractional part of the whole service called the Bengal Educational Service which is regarded as a unit in respect of the application of the communal ratio rules. Approximately, however, the 50 per cent. ratio was maintained in filling up the vacancies referred to above.

(*g*) In cases of promotion to the Bengal Senior Educational Service and Bengal Educational Service, not only academic qualifications but also seniority and merit in the many-sided activities of officers of the department in the lower service are taken into consideration and as such, officers having no British Degree and possessing lesser qualifications with lesser experience in any particular branch of work of the department are sometimes promoted to these services, provided the officers possess the minimum qualifications required for the appointments.

Mr. HUMAYUN KABIR: Arising out of (*d*), will the Hon'ble Minister be pleased to state when this officer was appointed as the Subdivisional Inspector?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I believe the answer is given in part (*d*) —"since July 1926".

Mr. HUMAYUN KABIR: If the Hon'ble Minister will look into the answer, he will find that he was appointed to Government service in July 1926 not as a Subdivisional Inspector.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, Sir, for the mistake, but I must ask for notice for the exact date when he was made a Subdivisional Inspector.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the name of this officer?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am extremely sorry, Sir, this file does not give me the necessary answer; so I must ask for notice.

Rai Sahib JATINDRA MOHAN SEN: Arising out of (*g*), will the Hon'ble Minister be pleased to state whether communal considerations weighed with the Government in giving promotions to persons with minimum qualifications?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, the answer is given in detail that minimum qualifications must be possessed by candidates for promotion over and above their seniority and merit in service.

Rai Sahib JATINDRA MOHAN SEN: My question is: whether these gentlemen who were promoted with the minimum qualifications, were promoted only because of communal considerations, *i.e.*, only to make up the communal ratio as laid down by the Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already answered, Sir, that communal considerations do not weigh with Government so far as promotions are concerned.

Questions tabled for the current Session and Answers thereto.

Dispensaries in villages of Chittagong.

8. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state in how many village unions of the Chittagong district, union or village dispensaries have been opened and how much money is paid by the Government of Bengal yearly for their maintenance and upkeep?

(*b*) How many applications for capital and annual grants and subsidies from Government have been received from Chittagong up to this time, and how many of them are still pending for consideration?

(*c*) What are the existing rules and conditions in accordance with which Government grants and subsidies are given to dispensaries that may be started in any union board or in villages?

(*d*) Is it a fact that recently two dispensaries, one at Barabakia of Chakaria thana, Cox's Bazar subdivision, and another at Benkura of police-station Patiya, Chittagong, have been opened by public charities and with union board contribution? If so, has any aid from Government been given to these dispensaries? If not, why not?

(*e*) Is it a fact that the number of dispensaries in the Chittagong district is less than that of Comilla and Noakhali? If so, what steps have the Government adopted to increase the number of village dispensaries in Chittagong?

(*f*) What is the total number of village and union dispensaries opened up to 1939 in Bengal and how many in each district of Bengal? What is the total amount annually spent for their maintenance from Government of Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Public Health and Local Self-Government Department): (*a*) A statement is laid in the Library.

(*b*) Besides the applications for renewal of old grants, two applications only for the usual recurring grant and one for capital grant have been received up to the 30th November, 1940, for grants for the year 1940-41. Applications for new grants are under my consideration.

(*c*) A statement is laid on the table.

(*d*) The District Magistrate has, in the statement furnished by him in reference to clause (*a*), mentioned the dispensary at Barabakia of Chakaria thana. Government have no information as regards the union board dispensary at Benkura of police-station Patiya. The local officers have not yet recommended either of these dispensaries as eligible to the grant for village dispensaries.

(*e*) No. Does not arise.

(*f*) A statement is laid on the library table.

Statement referred to in the reply to clause (c) of question No. 8.

The principal conditions governing the distribution of grants to rural dispensaries are that (1) no grant will be paid for a dispensary without a positive report from the Civil Surgeon that it is efficiently managed, and (2) no fresh grant beyond those already admitted will be paid on account of a new dispensary in a thana in which a subsidies dispensary already exists so long as there remains any other thana in the district without a dispensary.

Two clauses of dispensaries are excluded from assistance under this scheme of subsidy, viz., (1) old dispensaries existing before this scheme was given effect in 1922-23 the grant meant for encouraging the establishment of new dispensaries, and (2) dispensaries assisted from capital grants from Government of India's Rural Uplift grant on the express condition that their recurring expenditure would be met locally.

It may be observed that all applications for grants to thana and village dispensaries which are eligible have been favourably entertained and no eligible dispensary has been refused grant since 1937-38.

No capital grants are made as a matter of principle except in very special cases such as a dispensary situate in *khas mahal* areas by Government, out of Provincial revenues to the dispensaries in rural areas.

Proposed construction of a bridge over the Dhurang Khal.

9. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that a proposal for construction of a bridge over the Dhurang Khal of the Faticksary thana of Chittagong near Pyandang village was made some time back and that an estimate was prepared for the same? If so, why no action has as yet been taken in regard to the same?

(*b*) Are the Government contemplating to take any action in this matter as early as possible? If not, why not?

(*c*) Have the Government arrived at any final decision regarding the construction of a bridge over Sarta Khal and as well as the re-excavation of Dhurang Khal and the straightening of the zig-zag course of Halda of Chittagong? If not, when will the final decision be arrived at in these matters?

(*d*) Is it a fact that the river near Karnafully bridge is being silted up owing to construction of bridge and filling up both sides of the river by the Assam Bengal Railway? If so, what steps do the Government propose to take in the matter to keep the flow of water in the river free and unobstructed?

MINISTER in charge of the COMMUNICATIONS AND WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): I have called for certain information and will supply it to the honourable member in due course.

Construction of the Sainthea-Kandi Road.

10. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state in what stage is the work of construction of the Sainthea-Kandi Road now?

(*b*) How much money has already been spent in collection of materials?

(*c*) Will the Hon'ble Minister be pleased to state whether the work need continue or be postponed *sine die* on account of war?

(*d*) Is the Hon'ble Minister aware that Panchthupi and Khargram are two important places on two sides of the road under construction and that they both are on the Badshi Road which is also within the scheme of Mr. King?

(*e*) Does the Hon'ble Minister propose to connect these two important places by *pucca* road from the road under construction at the

point called "Kuti junction" and remove very great want of the residents of the two thanas Barwah and Khargram?

(*f*) When will this road Board be extended to Berhampore?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Materials have and are being collected and land acquisition proceedings taken up.

(*b*) Rs.56,000.

(*c*) The intention of Government is to proceed with the present road development programme throughout the Province. There is no reason why this project should be treated differently.

(*d*) Yes, but the Badshi Road is only of district importance, therefore, it is unlikely, for years to come, to receive consideration in any provincial scheme.

(*e*) I am afraid, not.

(*f*) The road from Kandi to Berhampore is an existing metalled road and as it is not included in the present programme approved by the Government of India, it is not possible to say when it will be taken up for improvement.

Work at oil-mill by the political prisoners in the Alipore Central Jail.

11. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware of the fact that in the Alipore Central Jail political prisoners are made to work for three months in the jail oil-mill (*ghanee*)?

(*b*) Is it a fact that non-political prisoners were not formerly worked for more than one month at a time in the oil-mill?

(*c*) What are the reasons for increasing the period of work to the oil-mill from one to three months?

(*d*) Will the Hon'ble Minister please abolish work in the oil-mill?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) and (*c*) Formerly there was no time limit and all non-political prisoners, who were fit for work in the oil-mills, were generally employed there for one month only. Recently the maximum limit has been fixed at three months but the rigour of the work has been reduced and only prisoners sentenced to six months' rigorous imprisonment or less are employed there.

(*d*) The matter is under the consideration of Government.

Mr. HUMAYUN KABIR: Willl the Hon'ble Minister be pleased to make the answer to (*a*) a little less ambiguous?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, I must say that the answer to (*a*) is very clear and definite.

Mr. HUMAYUN KABIR: Does "No" in answer (*a*) refer to the fact that prisoners are not made to work so, or to the fact that the Hon'ble Minister is not aware of the fact?

The Hon'ble Khwaja Sir NAZIMUDDIN: It refers to the fact that political prisoners are not made to work for three months in the jail oil-mill. Also other persons are not made to work as such for three months. Three months is the maximum limit.

Recommendations of the House Committee of the Bengal Legislative Council.

12. Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether he has received the recommendations of the House Committee of the Bengal Legislative Council; and

(*b*) if so, how many recommendations have been forwarded to him and what action has been taken thereon by the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Five; they are under the consideration of Government.

Prosecution of newspapers under the Defence of India Act.

13. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many newspapers have been prosecuted since the Defence of India Act and the rules made thereunder have been in force;

(*b*) in how many cases fresh deposits have been called for and deposits forfeited; and

(*c*) in how many cases the editors, the printers and the publishers of newspapers have been prosecuted and sentenced with either by fine or imprisonment and in how many cases they have been warned?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*c*) Since the 3rd September, 1939, the editors of seven papers have been prosecuted under various defence rules. Of these cases, two ended in conviction and sentence of fine with imprisonment in default and five in warning and release on admonition. Warnings were administered other than as above in 178 cases.

(*b*) Orders forfeiting security were issued in three cases in one of which the order was subsequently withdrawn. Security was demanded in 12 cases (including two after forfeiture as above).

Mr. LALIT CHANDRA DAS: May I take it that as the Hon'ble Minister has corrected his answer, the file is with him?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. LALIT CHANDRA DAS: May I know the names of the two Papers the cases against whom ended in conviction?

The Hon'ble Khwaja Sir NAZIMUDDIN: The "*Advance*" and the *Matribhumi*

Mr. LALIT CHANDRA DAS: May I know the names of the other five Papers who were released after warning?

The Hon'ble Khwaja Sir NAZIMUDDIN: *Bharat*, *Desh*, *Duniya*, *Ananda Bazar Patrika* and *Basumati*.

Mr. LALIT CHANDRA DAS: May I know the name of the Paper in regard to which the Hon'ble Minister has replied "the result of one has not yet been reported" and which he subsequently wanted to be omitted?

The Hon'ble Khwaja Sir NAZIMUDDIN: The *Burdwan Barta*.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state the names of the Papers against which orders have been passed forfeiting their securities?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what is the total amount of security money that was forfeited?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what are the 12 other cases in which security has been demanded?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice in this case too, Sir. But I can give the honourable member the names of the 12 papers, if he likes.

Mr. LALIT CHANDRA DAS: Yes, if you please.

The Hon'ble Khwaja Sir NAZIMUDDIN: All right; here they are—

Adhikar, of Chittagong;
Archana;
Socialist;
Lokmanya;
Weekly Hen;
Calcutta Industrial Gazette;
Rahman;
Forward Bloc (three times, I believe);
Amrita Bazar Patrika;
Advance; and
Lokmanya.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what is the total amount that has been demanded as security money?

The Hon'ble Khwaja Sir NAZIMUDDIN:

Adhikar—Rs. 1,000;
Archana—Rs. 1,000;
Socialist—Rs. 1,000;
Weekly Hen—Rs. 1,000 (orders withdrawn);
Lokmanya—Rs. 1,000 (orders withdrawn);
Calcutta Industrial Gazette—Rs. 1,000;
Rahman—Rs. 500;
Forward Bloc—Rs. 500 (security forfeited);
Forward Bloc—Rs. 2,000;
Rahman—Rs. 5,000;
Amrita Bazar Patrika—Rs. 2,000;
Advance—Rs. 1,000 (orders withdrawn); and
Lokmanya—Rs. 1,000.

Mr. LALIT CHANDRA DAS:. What happened in the meantime in respect of those Papers in regard to which the order for security was withdrawn?

The Hon'ble Khwaja Sir NAZIMUDDIN: From three Papers the orders were withdrawn—namely, *Lokmanya*, *Weekly Hen* and *Advance*.

Mr. LALIT CHANDRA DAS: That was not my question, Sir. My question was: what were the reasons for which these orders were withdrawn? Did the papers apologise?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, these people came and saw me and made representations and gave us to understand that these lapses would not occur again and orders were withdrawn on that assurance.

Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister be pleased to state the name of the Editor of the *Burdwan Barta?*

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister be pleased to state what were the charges against the *Calcutta Industrial Gazette* for which the security was demanded?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Restrictive orders on the "Desher Vani" of Noakhali.

14. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether a vernacular district paper of Noakhali called *Desher Vani* has altogether suspended publication as a result of restrictive orders passed by the Government of Bengal by order No. 943R.—D., dated the 14th October, 1940?

(*b*) Is it a fact that a second restrictive order has been passed on the paper not to publish the former order or even a substance of it for the information of its readers?

(*c*) Is it a fact that the said order on *Desher Vani* was published in some Calcutta dailies?

(*d*) Will the Hon'ble Minister be pleased to state whether there is any law under which Government can force a newspaper to publish a Government order without payment?

(*e*) Was the order, complained of, passed by the Government on the report of the District Magistrate of Noakhali? If the answer be in the affirmative, will the Government be pleased to place the same on the table and state the name of the Magistrate who passed the said order?

(*f*) Who is now the District Magistrate of Noakhali? And who was his immediate predecessor?

(*g*) Is it a fact that *Desher Vani* started ventilating grievances of the people who are mostly Hindus against activities of so-called Krishak Samitis, since the time Mr. Nurannabi Chaudhury, I.C.S., was District Magistrate of Noakhali, and is it a fact that since that time *Desher Vani* has been publishing news of crimes committed against persons or properties of Hindus of the district?

(*h*) Is it a fact that the district authorities were annoyed for such publication and is it a fact that the said authorities sent complaints against the paper to the Government?

(*i*) Is it a fact that under the Defence of India Act and rules made thereunder the *Desher Vani* was prevented from publishing news relating to grievances of Hindus against Moslems?

(*j*) Has the attention of the Government been drawn to the resolutions passed at a meeting of the Board of Directors of the *Desher Vani* on the 12th November, 1940, and also to the resolutions of the Indian Journalists' Association at a meeting held on the 17th November, 1940?

(*k*) Will the Government be pleased to withdraw the restrictions on the paper? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Government has been informed that the paper has decided to suspend publication temporarily as a protest against the recent restrictive order passed on it.

(*b*) No second restictive order was passed by the Government on the paper. The District Magistrate in view of local conditions prohibited the publication of the Government order in the paper itself.

(*c*) and (*j*) Yes.

(*d*) and (*i*) No.

(*e*) Government's attention had been drawn by the District Magistrate to objectionable articles published in this paper. Government had also examined them independently. The second part of the question does not arise.

(*f*) Mr. M. H. Ali, I.C.S. His immediate predecessor was Mr. H. S. M. Ishaque, I.C.S.

(*g*) The honourable member may be asked to refer to copies of the *Desher Vani* during this period.

(*h*) No such complaints were received except the one upon which the order referred to in part (*a*) was passed.

(*k*) No. No ground for withdrawing them exists.

Persons arrested under rule 129 of the Defence of India Rules.

15. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if the persons who are arrested under rule 129 of the Defence of India Rules, are to be kept in the jail as ordinary prisoners or are they entitled to and get special treatment; and

(*b*) how are they classed?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member is referred to Government notification No. 84H.J., dated the 11th January, 1940, of which a copy is placed in the Library.

Loan under the provisions of the Land Improvement Act, 1883, and Agriculturist Loan Act, 1884.

16. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the rules and the conditions under which loans under the provisions of the Land Improvement Act of 1883 and the Agriculturist Loan Act of 1884 are granted in Bengal?

(*b*) Is it a fact that loans under the provisions of the Indian Land Improvement Act, 1883, are advanced very rarely in Bengal? What is the total amount of such loans advanced in the years 1935, 1936, 1937, 1938 and 1939 respectively?

(*c*) Is it a fact that the *raiyats* do not get loans under these two Acts in due time owing to considerable delay that often occurs in the disposal of the loan applications?

(*d*) Do the Government propose to restrict loans under the Indian Agriculturist Loan Act, 1884, to really needy ones or to take such other steps as they think proper so that only needy *raiyats* may get the required amount of loan?

(*e*) Do the Government propose to modify the present rules, so that when the joint bonds are taken, the amount due from each individual borrower may be entered separately in the bonds, and every attempt may be made to realise from each individual the amount so shown and that the joint responsibility may be enforced as a last resort and even then may be apportioned as fairly as possible?

(*f*) Is it a fact that the facilities provided for under the Indian Land Improvement Act, 1883, are not known to the cultivators? If so, do the Government propose to take necessary steps in the matter? If not, why not?

The Hon'ble SIR BIJOY PRASAD SINGH ROY: (*a*) The rules are printed at pages 7 to 40 of the Bengal Loans Manual, 1918, a copy of which is placed in the Library.

(*b*) Loans under the provisions of the Land Improvement Loans Act, 1883, are granted whenever asked for and whenever the necessary conditions are fulfilled. But the number of people who apply for such loans is not considerable.

The amounts advanced during the last five financial years are as follows:—

			Rs.
1935-36	...	...	96,230
1936-37		..	1,86,304
1937-38	...	...	10,400
1938-39	...	...	13,747
1939-40	...	...	22,750

(*c*) No.

(*d*) Agricultural loans are always granted only to the people who are in need of such loans and fulfil the conditions for their grant.

(*e*) No modification of the rules is considered necessary as instructions on the lines desired by the honourable member are already contained in rule 14A at page 27 of the Bengal Loans Manual.

(*f*) Government have no information on the point.

Failure of crops in the Murshidabad and the Birbhum districts.

17. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of Khan Bahadur Ataur Rahman): (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if he is aware that the Rarh area depends chiefly on *aman* paddy?

(*b*) Is he aware that the crop failed in the districts of Murshidabad and Birbhum for failure of monsoon and in some parts for want of late shower of rain?

(*c*) What per cent. of the crop in the Rarh area of Murshidabad and the whole of Birbhum is apprehended to be lost?

(*d*) Does he apprehend any widespread distress?

(*e*) What steps are being taken to relieve the distress?

(*f*) Will there be any pressure for collection of unrealised agricultural loan?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) Yes, the *aman* crop has failed in parts of the districts of Birbhum and Murshidabad.

(*c*) In the Rarh area of Murshidabad district, 50 per cent. of the crop in Kandi subdivision, 62 per cent. in Lalbagh subdivision and 20 to 50 per cent. in different areas in Jangipur subdivision.

In Birbhum about 75 per cent.

(*d*) Distress is apprehended in the district of Birbhum and parts of the Rarh area of the district of Murshidabad.

(*e*) In Murshidabad agricultural loans are being distributed and steps taken for opening test relief works on roads and tanks, the latter under the Bengal Tanks Improvement Act, 1939. Land Improvement loans are also being advanced to owners of tanks for improving their tanks.

In Birbhum test relief works have already been started. Arrangements have also been made to take up tanks under the Bengal Tanks Improvement Act as test works. Gratuitous relief will be given when necessary.

(*f*) No.

Appointment of Muslims in the Mymensingh Settlement Office.

18. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many ministerial officers including job workers were there in the Mymensingh Settlement Office in July last, and how many of them were Muslims?

(*b*) Will the Hon'ble Minister be pleased to state how many of the (*i*) Muslims and (*ii*) Hindus have since been discharged, and how many (*i*) Muslims and (*ii*) Hindus are still working in the Mymensingh Settlement Office, and how many have been provided in other districts?

(*c*) Will the Hon'ble Minister be pleased to state whether the Government are insisting on 50 per cent. Muslims being taken in all the branches of service (officers, field workers, clerks and menials) in connection with the new Settlement operations shortly going to be started in Faridpur and Barisal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) A statement is laid on the table.

(*c*) Yes, in the cases of field workers and clerks. The Communal Ratio rules do not apply to menials. Gazetted officers have to be selected having in view the demands of other branches of the administration.

Statement referred to in the answer to question No. 18.

	Muslims.	Hindus.	Other communities.	Total.
Number of persons employed in Mymensingh Settlement on 1st July, 1940.	35	92	1	128
Number of persons discharged since 1st July, 1940.	26	53	0	79
Number of persons transferred to other Settlements since 1st July, 1940.	2	3	1	6*
Number of persons appointed in Mymensingh Settlement since 1st July, 1940.	35	36	1	72
Present total strength .	42	72	1	115

*This relates only to clerks at Sadar. Complete information in regard to job work staff is not readily available as it will involve asking each Amin as to where he served last. This will take much time specially as the staff is scattered.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether, as stated in the answer, there was not a single Muslim in the Mymensingh Settlement Office before 1st July, 1940? Is it correct?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is there in the statement.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Then why does the honourable member ask for it?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It appears then that out of 35 men, as many as 26 have been discharged. The

proportion, when there were 35 men, was more than 33 per cent., but since the discharge of these 26 mesn, the proportion stands at less than 25 per cent.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I know what is the question of the honourable member?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if the figures given are correct?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The figures may be taken to be correct: otherwise Government would not have given them.

Collection of revenues from the Bahali and the Bajeapti estates.

19. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if the majority of Bahali estates and the Bajeapti estates in Chittagong are very small?

(*b*) Is it a fact that there is considerable amount of congestion in every *kist* day and that almost every clerk has to be employed on this one piece of business in every *kist* day?

(*c*) Is it a fact that considerable amount of congestion can be avoided at headquarters if the payment of cess by Bahali and Bajeapti estates in Chittagong can be made at Khas Tahsil offices?

(*d*) Is it also a fact that if the arrangement to be made for payment of such cess at Khas Tahsil offices shall be a great benefit to the proprietors of these small estates as they would not have so far to go to pay their cess?

(*e*) Has the attention of the Government been drawn to the paragraph 168 at page 67 of the Final Report on the Survey and Settlement Operations in the district of Chittagong, published in 1939?

(*f*) If so, do the Government propose to make such arrangements as suggested in paragraph 168 of the report mentioned above, for the convenience of small proprietors of estates? If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) to (*c*) and (*e*) Yes.

(*d*) No, not in all cases.

(*f*) No. As the proprietors of Bajeapti estates are to pay their revenue at Sadar, it is convenient for them to pay the cesses also at Sadar. The proprietors of Bahali estates are also entitled to pay the cesses direct at Sadar and Government cannot refuse to accept such payment. The proposed arrangement for acceptance of cesses both at Sadar and at Khasmahal offices will cause much administrative inconvenience.

Removal of the headquarters of Noakhali from the present site.

20. Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether any final decision has been arrived at in the matter of transferring the headquarters of Noakhali from its present site to the locality nearabout Begumganj;

(*b*) if so, what steps have been taken by Government up till now for giving effect to the said decision;

(*c*) how long was the matter under the consideration of Government and when was the final decision arrived at in the matter;

(*d*) whether any steps have been taken for acquiring land and making arrangements for construction of Government buildings at headquarters;

(*e*) whether any provision has been made for the purpose in the next budget; if so, what is the amount of the said provision; if not, why not; and

(*f*) whether it is a fact that due to the indecision of Government and the delay in taking action in the matter, trade, commerce and the industries of the district have been ruined and hampered; if so, what steps Government have taken to prevent ruination of trade, commerce and industries of the district by early transfer of the headquarters of the town?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) A special site selection committee has been appointed for selecting the exact site where the headquarters should be located and for preparing a lay-out of the proposed buildings.

(*c*) The matter had been under the consideration of Government since 1933. It was decided in September, 1940, that the headquarters of the district should be located at Begumganj.

(*d*) Necessary steps for acquiring land and for construction of buildings will be taken after the site selection committee's report is received.

(*e*) The matter is under consideration.

(*f*) There has been no avoidable delay in coming to a decision in the matter. It is probable that there has been some amount of inconvenience and loss but in the circumstances that was unavoidable.

Fall in birth-rate in Bengal.

21. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact that the birth-rate in Bengal in the year 1938 was lower than that of any other province of India and that it was less than that of the previous year by 10·8?

(*b*) If so, will the Hon'ble Minister be pleased to state if he has made any enquiry into the real cause of the sudden fall in birth-rate in the year 1938? Do the experts attribute it to malnutrition and insufficient nourishment or to any other causes? If so, what are these causes?

(*c*) What measures have been adopted by Government of Bengal to give necessary instructions to the illiterate masses of Bengal in the matter of proper and scientific dietetics? What are they?

(*d*) Is it a fact that the health of the student community in Bengal is deteriorating? If so, what measures have been taken and are about to be taken for the speedy improvement of the health of the student community of Bengal?

(*e*) Is it a fact that the Government of Bengal have drawn up a well-thought-out scheme for medical relief in Bengal? If so, why has the district of Chittagong been excluded from operation of this scheme? Is there any possibility of Chittagong being included in this scheme?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) The birth-rate in Bengal was lower than in the majority of the provinces in India.

The rate was less by 3·7 compared to that of the previous year and not by 10·8 per mille.

(*b*) The cause of the fall is ascribed to serious outbreaks of cholera and malaria as well as to economic distress during the year.

(*c*) and (*d*) A note by the Director of Public Health showing what steps have been taken to improve the dietary of the people and the health of the student community is annexed. Government have the whole matter under serious consideration and further schemes have been framed and are under examination.

(*e*) A scheme for reorganisation of health services has been prepared and is under consideration of Government. This scheme which combines preventive and curative works contemplates the establishment of health units of a moderate type covering two union boards to be placed under the charge of a Medical Officer of Health with necessary staff. A partial scheme has also been framed and it is proposed to introduce this scheme in selected areas. All the District Boards of the Province were addressed asking whether they would participate in the scheme. It is open to the District Board of Chittagong to express their agreement to participate in and work this partial scheme of reorganisation of rural health services.

Note referred to in the answer to question No. 21.

The Nutrition and Diet Survey Scheme for the Province, proposed by the Bengal Public Health Department was sanctioned by the Local Government on the 10th November, 1937. The staff consists of one epidemiologist, three assistant epidemiologists, one statistical clerk and four peons. The staff is carrying out the following works during the survey work.

To detect malnutrition amongst the inhabitants of selected rural and urban areas, the people are examined by house to house visit. Nutrition lectures in public places, primary schools and muktabs and health talks are given by the staff during the visit and instructions are given to the people in the matter of proper and scientific dietetics.

Diet survey work is carried out by the staff in the rural and urban areas in different districts and through health talks, the people are educated with regard to proper nutrition including arrangement for the preparation of balanced diet.

Cheap menus of balanced diet both vegetarian and non-vegetarian are prepared by the staff to educate the people during the survey work.

The physical condition of the people of this Province has deteriorated for over a long period due to various causes of which malaria and the resultant economic deterioration is an important factor. The student community being a part of the general populace, has also suffered consequently.

For want of any authenticated previous specific record on the health of the student community in Bengal it is however not possible to say accurately to what extent the health of the scholars in particular are deteriorating.

The Government have been contemplating to carry on a systematic medical inspection of students. At present, medical inspection of school children in Government and aided secondary schools for boys

in the city of Calcutta including the Tol Department of the Sanskrit College and the Arabic Department of the Calcutta Madrasah is being carried out by a staff of four medical officers. A scheme for intensive school hygiene work is ready for operation in charge of an Assistant Director of Public Health with one Inspector and one Inspectress of Schools.

As a part of the comprehensive scheme for Youth Welfare Movement, Government have sanctioned a scheme for medical inspection in high and senior madrasahs and high schools for boys. A grant of one anna and six pies per boy per month will be made on the condition that a fee of six pies per boy per month is introduced.

The following schemes are also under consideration in this connection:—

(1) Scheme for the systematic medical examination of girls in Government and Government aided girls' colleges and schools (high English and middle English) in Calcutta including the two Government Training Schools for girls as an experimental measure for a period of five years.

(2) A similar scheme as above for the girls' institutions outside Calcutta is also under examination. As an experimental measure, Government are considering to introduce the scheme in various towns in the districts of Dacca, Mymensingh, Faridpur, Bakarganj and in the Vernacular Training School, Dacca.

(3) *Scheme for the medical examination and supervision of students of the Government high schools and senior madrasahs outside Calcutta.*—As an experimental measure Government are considering to introduce the scheme in seven Government High Schools for boys in the Presidency Division.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether or not the unrestricted sale of contraceptives is directly responsible for the fall in the birth-rate in Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It seems to be within the special knowledge of the honourable member; I cannot answer it.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will Government kindly have enquiries made into the matter?

(No answer.)

Maulvi ABDUL QUASEM: Will the Hon'ble Minister be pleased to say if this Council would be given an opportunity of expressing an opinion on this scheme prepared by the Director of Public Health, having regard to the very great importance which attaches to it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think the scheme has already been accepted by Government and it has been also introduced in certain areas. Of course, the Council can discuss this question in connection with the budget.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state what practical steps have been taken by Government to arrest the fall in the birth-rate?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Note of the Director of Public Health has been given here and the Note clearly states what are the practical steps.

Khan Bahadur NAZIRUDDIN AHMAD: I believe these are general statements. I wanted specific schemes.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid, I have nothing more to add.

Government grants for quinine and kala-azar medicines.

22. **Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) what amount was contributed by Government to each district of Bengal for (*i*) quinine and (*ii*) for kala-azar medicines during last three years;

(*b*) on what principle the distribution of allotment was made in different districts; and

(*c*) what was the number of deaths from (*i*) malaria and (*ii*) kala-azar in each district of Bengal for the last three years?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) and (*c*) Statements showing (*i*) the allotments of grants to each district for quinine and kala-azar specifics during the years 1937-38, 1938-39 and 1939-40, and (*ii*) deaths from malaria and kala-azar during the past three years are laid in the Library.

(*b*) (1) The policy of distribution of quinine grant among the different district boards is by taking mean of the following two calculations, viz.:—

(*i*) the ratio of district board expenditure on quinine out of its own fund to the total income of the district board concerned; and

(*ii*) the number of malaria patients treated in the different districts in relation to the total number of malaria patients in the whole Province during the preceding year.

A certain amount of weightage is naturally given to those district boards which show an upward trend of malaria. The allotments to the various hospitals and dispensaries through the Civil Surgeons are calculated on the total cost of drugs issued by them excluding Government grant during the preceding year as well as on the number of malaria patients treated in the different hospitals and dispensaries in the Province.

(2) Kala-azar specifics are distributed to district boards on the following basis:—

(*i*) The proportion of the number of kala-azar patients treated in kala-azar treatment centres in each district in the preceding year to the total number of kala-azar patients treated in the centres in the whole Province.

(*ii*) A certain amount of weightage is also given in case of those districts which show an upward trend of kala-azar within the last few years.

Besides the annual allotment of grants for quinine and kala-azar specifics district boards are often supplied with the above drugs from the reserve stock held under the Bengal Public Health Department in case of emergent demands from local bodies.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it has been said in reply that "the policy of Government is to supply quinine is by taking mean of the following two calculations, the ratio of district board expenditure on quinine out of its own fund to the total income of the district board concerned, etc." Are we to take it that the boards which neglect to make sufficient provision for treatment of malaria are not given sufficient amount from Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No: if a particular board reduces its expenditure, Government grant to that board is proportionately reduced.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That means that if the board neglects, the Government will also neglect?

The Hon'ble Sir BIJOY PROSAD SINGH ROY: No question of Government's neglecting comes in. It is the primary duty of the local body to make arrangements for the treatment of patients and Government comes to their help to augment its resources. If a particular local body fails to do its duty, it is natural that the patients will suffer. The remedy does not lie in the hands of Government. The rate-payers can take steps against the local body by refusing to re-elect the members who have neglected their duty.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Should not Government force the district boards to make sufficient contribution for treatment of malaria and kala-azar patients in such cases?

The Hon'ble Sir BIJOY PROSAD SINGH ROY: How can Government force them? They are autonomous bodies.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Statistics which have been supplied show that 24-Parganas were given Rs. 13,000 though the death-rate was only 6,000, whereas Mymensingh with a death-rate of 39,526 was given only Rs. 14,000. Nadia was given only Rs. 10,000, its death-rate being 23,667. These figures show that Mymensingh with 6 times the death-rate of 24-Parganas has got only as much as was given to 24-Parganas and Nadia having nearly 4 times its death-rate got as much as that of 24-Parganas.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, what is the question? The honourable member seems to be arguing a point.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The principle enunciated by Government in making grants does not hold good here.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: It does. There may be districts with very high death-rates and may get small grants. I have made it perfectly clear in my reply what principle Government follow in granting aid, and that is that a district board gets grants in proportion to its expenditure for the purpose.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What has been the district board's expenditure in Mymensingh and Nadia?

The Hon'ble Sir BIJOY PROSAD SINGH ROY: I ask for notice.

Mr. KADER BAKSH: Is the Hon'ble Minister aware that there has been an abnormal rise in the price of quinine, of late, and the district board has not been able to purchase quinine at that rate for the treatment of patients?

The Hon'ble Sir BIJOY PROSAD SINGH ROY: First of all, I submit, Sir, that this question does not arise out of the present question. If you, Sir, rule that it does not arise, I shall not have to give any reply.

Mr. KADER BAKSH: My question is this——

Mr. SHRISH CHANDRA CHAKRAVARTI: Wait for ruling.

Mr. PRESIDENT: Yes, it arises out of paragraph (*c*) of the question. I see the difficulty of the Hon'ble Minister in answering the supplementary question in view of the fact that he is not the Minister in charge of the department. Therefore, for future guidance I would request that Hon'ble Ministers who are not likely to be present should inform me preferably in writing beforehand and at the same time should also send the relevant files on the subject to their colleagues who would answer for them. Mere reading out of printed answers without the files does not help a Minister, who is not in charge of the department, to adequately answer supplementary questions. I suggest this procedure not only for the present case but as a general rule that should be followed in future.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As a general principle, we shall certainly follow your advice, Sir; but I may say that I am perfectly competent to reply to the supplementary question that has been put by the honourable member. It is true that the price of quinine has gone up on account of the war and the district boards are naturally finding it difficult to meet the increased expenditure.

Mr. KADER BAKSH: If I understood the Hon'ble Minister to say that with the limited income at their disposal the District Boards have not been able to purchase quinine for the treatment of patients suffering from malaria, is it not the duty of Government to supply them with more and more quinine especially this year when on account of the meagre rainfall malaria has gone up abnormally in the districts of North Bengal? Is he aware of this?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the honourable member is putting a question about the future policy of Government in regard to quinine but here the question refers to something which had happened in the past. I do not see, Sir, how it arises.

Dr. KUMUD SANKAR RAY: Do I understand the Hon'ble Minister to say that, apart from the responsibility of the District Boards for adequate supply of quinine, Government themselves have no responsibility in the matter of distribution of quinine?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Does the reply of Government show that Government have no responsibility in this matter? Does it not, on the contrary, show that Government have undertaken special responsibility in the matter by agreeing to help the District Boards through quinine grants?

Dr. KUMUD SANKAR RAY: May I enquire what is the total need of quinine for the province of Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Dr. KUMUD SANKAR RAY: May I enquire, again, what is the total production of quinine in Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I again ask for notice, and would venture to submit that the question does not arise out of the original question.

Dr. KUMUD SANKAR RAY: May I enquire what is the policy of Government with regard to the production of quinine in Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I venture again to enquire as to whether this question at all arises, Sir?

Mr. PRESIDENT: This is a very important question no doubt, but unfortunately it does not arise out of this particular question.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it has been said that Government has got its responsibility and that the District Boards too have their responsibilities to discharge in regard to the distribution of quinine, but in respect of District Boards which have apparently allocated very small amounts for this purpose, is it not the Government's duty to insist on their making a larger contribution? Or if that is not possible, for themselves to make sufficient contributions, as otherwise it would result in the people dying of malaria?

Mr. PRESIDENT: Order, order. The Hon'ble Minister seems to be of opinion that as the district boards are self-governing institutions, Government would be reluctant ordinarily to inerfere with their work.

Khan Bahadur NAZIRUDDIN AHMAD: May I enquire if Government supply quinine at cost price, or now that the price has risen, at increased price, to the District Boards?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Maulvi ABUL QUASEM: Is it not a fact that the income of District Boards is extremely limited and stereotyped, being limited to collections of public works and road cesses, whereas the income of Government is always elastic and unlimited as it can be derived from taxes and other impositions? If that is so, is it not the duty of Government to see that district boards do spend adequate amounts on this head and ask for explanations if Government find that the district boards are not equal to the task and is it not the duty of Government to come forward and help them of their own accord?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I again venture to submit that this question does not arise. It is a matter of general policy and if the honourable member likes, he can raise it in connection with the Budget discussion; the question raised by him now relates to the general policy.

Mr. PRESIDENT: Order, order. In a question you may only ask for information, but there is no room for argument.

Pay of Field Assistants under the Public Health Department.

23. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether he is aware that the pay of Sanitary Inspectors is Rs.50—100 and that of Field Assistants is only fixed Rs.20;

(*b*) whether he is aware that both Inspectors and Assistants were recruited from men of same local status and practically same education except that the former had undergone a training course for 6 months:

(*c*) whether it is a fact that in paragraph 5 of Circular No. 22G., dated the 26th February, 1929, of the Public Health Department it was definitely stated that a separate communication would be made regarding increments of pay of Health Assistants on a progressive scale of pay;

(*d*) whether it is a fact that nothing has since been done to introduce progressive increment of pay of Health Assistants; and

(*e*) whether the Government propose to consider the question and redeem their promise?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) The old scale of pay of Sanitary Inspectors is Rs. 50—5—100 per mensem and the revised scale of pay is Rs.50—5/2—90 per mensem. The pay of Health Assistant is Rs.20 per mensem *plus* a house allowance of Rs.2 per mensem.

(*b*) No. The present rural health circle Sanitary Inspectors must be at least matriculates and have passed the Examination of Sanitary Inspectors' training which covers a course of practical hygiene and minor sanitary engineering for a year under the Bengal Public Health Department.

The qualifications prescribed for the Health Assistants on the other hand are (*i*) knowledge of reading and writing, (*ii*) knowledge of phenomena of cholera and smallpox, (*iii*) knowledge of vaccination and disinfection work and (*iv*) knowledge of required registers, returns, and certificates.

(*c*) Yes. The circular referred to by the honourable member was issued by the Director of Public Health. Government had, however, prescribed a fixed pay and this was repeated by the Director of Public Health in a subsequent circular of the same year.

(*d*) and (*e*) An incremental scale of pay for Health Assistants is under consideration in connection with the proposed scheme for reorganisation of rural health services.

Khan Bahadur MUAZZAMUDDIN HOSAIN: Then are we to understand that if the proposed scheme does not materialise, the scheme of giving increments to the assistants will fall through?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is very difficult for me to say now what will be the position. The whole matter is under the consideration of Government and whether the scheme will fall through or not is more than I can say at this stage.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how many health assistants are now working in Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Malignant malaria in certain parts of Narail.

24. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact that there has been an outbreak of malignant malaria in epidemic form in Chandibarpore

Union, Naldi Union and Shingia Union in Narail subdivision and Bunagati Union in Magura subdivision in the district of Jessore recently?

(*b*) If the reply to paragraph (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state the reasons?

(*c*) Will the Hon'ble Minister be pleased to state if any Health Officer was sent by the Government to these affected areas? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Government have no information regarding outbreak of malignant malaria in an epidemic form in the particular union boards in the Jessore district referred to in the question. It is reported by the Chairman of the Jessore District Board, that incidence of malaria was very high in all quarters of the district. From the available figures of malaria cases treated in the various hospitals and dispensaries it appears that there has been an increase in the incidence of malaria this year compared to the previous years.

(*b*) Deficiency in rainfall with lower flood level of the rivers is the prime cause of the rise in incidence this year.

(*c*) On the requisition of the District Board eight medical licentiates for a period of two months each were deputed by the Bengal Public Health Department to carry out anti-malaria work in the district of Jessore. Out of them one is reported to have not joined his duty. The services of four doctors have already terminated and three others will continue up to the end of December, 1940.

Dismissal of certain weavers of the Alipore Jute Mills.

25. Mr. LATAFAT HOSSAIN: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) if he is aware of the great excitement that prevails among jute mill hands in Athpore within Jagatdal thana, in Barrackpore subdivision, over the dismissal of some of the weavers of the local jute mills;

(*b*) whether he has received any written complaint against the Labour Officers of the local mills from Kankinara Labour Union;

(*c*) what steps he proposes to take to ease the situation; and

(*d*) whether he proposes to make an official enquiry into the allegations of dismissed hands?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) No, I am not aware of any great excitement over this matter.

(*b*) Yes, it is presumed that the honourable member refers to the complaint addressed by him on behalf of the Kankinara Labour Union.

(*c*) and (*d*) The complaint has been referred to the Labour Commissioner for enquiry and report.

Mr. LATAFAT HOSSAIN: Arising out of (*c*) and (*d*), will the Hon'ble Minister be pleased to state if he has received any report from the Labour Commissioner?

The Hon'ble Mr. H. S. SUHRAWARDY: I have not yet received any report from the Labour Commissioner.

Reduction of Muhammadan Marriage Registrars.

26. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether jurisdiction of Muhammadan Marriage Registration officers deriving more than Rs.600 per annum is being reduced;

(*b*) whether in consequence of this the income of many of the existing Muhammadan Marriage Registrars is being reduced; and

(*c*) whether it is not the established principle of Government not to reduce the pay or remuneration of existing Government employees even when scale of pay is reduced for new entrants to any service?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) The jurisdiction of offices with an average income of Rs. 1,200 and over a year, and also offices which fall vacant on account of death, retirement, resignation, transfer, etc., and the income of which is over Rs. 500 a year are split up in accordance with the accepted policy of Government.

(*b*) Yes.

(*c*) Not necessarily in all cases. Besides Muhammadan Registrars do not stand on the same footing as permanent Government servants. Unemployment amongst Maulvis and the convenience of the registrant public were considered.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether there is not unemployment also in the University-educated young men who are employed in other services of Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The question of unemployment amongst Maulvis in connection with the appointment of Marriage Registrars has been considered.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, my question was not with regard to the Maulvis but whether there is unemployment now amongst the non-Maulvis?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is a matter of opinion.

Mr. HUMAYUN KABIR: Arising out of (*c*), will the Hon'ble Minister be pleased to state cases where the scale and salary of old entrants has been reduced with the imposition of a new scale of pay? Will he please mention any case where the scale of pay of an old entrant, of a person already in Government service, has been reduced because the scale of that office was later on reduced?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, it all depends on the services themselves. For example, if a policy is accepted for reduction of pay, well, that takes effect from a particular date. Further, so far as the Marriage Registrars are concerned, there is no question of pay; it is a question of fee that is received from the registration of these marriage transactions.

Mr. HUMAYUN KABIR: I want a specific answer to my question. Can the Hon'ble Minister mention a single instance where an old officer already drawing a salary had his salary reduced because the scale of that service was later on reduced?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I submit, Sir, that first of all the question does not arise, and secondly, that it is not possible for me to answer it.

Mr. HUMAYUN KABIR: Certainly it does arise. In the answer it is stated "Not necessarily in all cases". If the Hon'ble Minister cannot supplement his statement here, we must take it that the answer is worthless.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I only beg to submit to you, Sir, that this observation is not merited and does not arise out of an answer of this nature.

Mr. HUMAYUN KABIR: I want an answer to my question, Sir.

Mr. PRESIDENT: I think part (*c*) could only be answered by the Hon'ble Finance Minister, as his department is concerned with the scale of pay and other similar matters.

Mr. HUMAYUN KABIR: Well, then, in that case will the Hon'ble Finance Minister please reply?

(No answer.)

Hunger-strike in Bengal jails.

27. Rai Saheb JATINDRA MOHON SEN: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether there are any prisoners in Bengal jails who have undertaken hunger-strike;

(*b*) if the answer be in the affirmative, what are their names, and in what jails are they confined;

(*c*) what are the offences for which they have been convicted; and

(*d*) what is the reason for absolutely prohibiting the newspapers from publishing any news of such hunger-strike in the Province of Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) The honourable member is referred to the communiques, dated the 30th November, 1940, and 3rd and 6th December, 1940, of which copies are placed in the Library.

(*c*) They are security prisoners and not convicts.

(*d*) The honourable member is referred to the communique, dated the 5th September, 1939, of which a copy is placed in the Library.

Rai Sahib JATINDRA MOHAN SEN: Arising out of (*a*) and (*b*) will the Hon'ble Minister be pleased to state if more prisoners have gone on hunger-strike since the communiqués of 3rd and 6th December, 1940, were published?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, every other day a report is published in the papers by Government and the honourable member will get the latest information if he would only look into them.

Rai Sahib JATINDRA MOHAN SEN: *With all the names and the number of prisoners who are on hunger-strike up to date?*

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member will only take the trouble of reading the Government communiqués he won't require any further answer.

Rai Sahib JATINDRA MOHAN SEN: No, Sir, it is not a question of my taking the trouble of reading the newspapers or not, but I have the pivilege to put questions to the Hon'ble Minister here and to get direct information from him.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I think the principle behind the question is that information which is readily available to the members need not be supplied by the Ministers.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state if the object of the prohibition order has been fulfilled and does the Government intend to withdraw the order?

The Hon'ble Khwaja Sir NAZIMUDDIN: As long as the hunger-strike lasts the order cannot be withdrawn because the object will be frustrated if it is withdrawn.

Coercion in realisation of contributions to the War Funds.

28. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether an official circular, as is reported in the press, has been issued in a subdivision of the district of Khulna which runs as follows:—

> "You are hereby informed by order of His Honour the S.D.O., that you are to deposit, without fail, by 8 a.m. tomorrow, your contribution to the War Fund. In case you fail, you are requested to see him personally"?

(*b*) If so, what is the name of that subdivision where the circular was issued and also the name of the Subdivisional Officer?

(*c*) Is it a fact that an assurance was given by the Home Minister himself that no coercion in any form in realisation of War Funds is being made in Bengal nor will any coercion for contribution to the War Funds be permitted?

(*d*) If the answer to part (*c*) be in the affirmative, will the Hon'ble Minister be pleased to state why this assurance has been disregarded?

(*e*) Do the Government propose to issue instructions for the withdrawal of the circular in question and take necessary steps to prevent such things happening in other parts of Bengal? If not, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) and (*e*) Do not arise.

(*c*) Yes.

(*d*) It does not appear that the assurance has been disregarded.

Recruitment of Muslims in services under Government.

29. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether there are not certain departments, e.g., Public Health, where the number of Muslim employees is much less than 33 per cent.;

(*b*) whether in most such cases the lower percentage is not due to recruiting officers neglecting to obey Government orders about 33 per cent. Muslim recruitments hitherto in vogue; and

(*c*) whether to make up such deficiency the Government do propose to order higher recruitment than 50 per cent. for Muslims until 33 per cent. is attained?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Without detailed inquiry, it is impossible to assign a specific reason for the failure to attain the previously prescribed minimum percentages.

(*c*) It is considered too soon to make any alteration in the ratios which were settled after very careful and anxious consideration.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly have detailed enquiries made in some cases?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is very difficult to look up and find out what are the reasons for which the Government orders were not properly carried out and I submit that it is not possible and also it is not worth while, in view of the fact that new rules have been promulgated and we hope that satisfactory results will be achieved. The honourable member should wait and see what is the effect of these rules.

Course of study for the L.M.F. Diploma.

30. Mr. KUMUD SANKAR RAY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether a period of 4 years' course of study has been prescribed by the State Medical Faculty of Bengal for obtaining the L.M.F. Diploma granted by the Faculty?

(*b*) What is the percentage of students who passed the L.M.F. Examinations during the last 10 years in 4 years?

(*c*) Is it a fact that the Bengal Council of Medical Registration has recommended to Government to increase the course of studies of L.M.F. Examinations from 4 to 5 years?

(*d*) When was the recommendation made by the Bengal Council of Medical Registration?

(*e*) What is the Government's final decision on it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) and (*c*) Yes.

(*b*) A statement is laid on the table.

(*d*) On the 10th March, 1937.

(*e*) Government have the matter still under consideration.

Statement referred to in the reply to clause (b) of question No. 30.

Year.	*Percentage.*
1931, 1932, 1933	Statistics not readily available.
1934	9·3
1935	6·1
1936	6·0
1937	6·0
1938	7·4
1939	9·3
1940	9·2

Dr. KUMUD SANKAR RAY: Is it a fact that the members of the Medical Council prayed for a deputation to the Hon'ble Minister regarding this question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

(Mr. President called question No. 31.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I draw your attention that one hour for questions is over, which is a statutory provision?

Mr. PRESIDENT: It is just one hour. Yes, there is the statutory provision about the question hour and if there is any objection, further questions will not be put. I was making a concession to-day being the last day of this session; but if there is objection, I shall follow the Rule.

The Hon'ble Khwaja Sir NAZIMUDDIN: In that case I withdraw my objection, Sir. But I hope this will not be regarded as a precedent.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is one question which is not printed. May I reply to that, Sir?

Mr. PRESIDENT: Question No. 31 has already been put. Let this be answered first.

(The Hon'ble Mr. H. S. Suhrawardy began to read a notice "under sub-rule 2 of rule 95, etc.")

Khan Bahadur NAZIRUDDIN AHMAD: Are we then to understand that the question remains unanswered and may I know for what reasons the question has not been answered?

Mr. PRESIDENT: The Hon'ble Minister in charge of the department is absent to-day and none of his colleagues seems agreeable to answer this question on his behalf.

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member insists, then I may reply——

Mr. PRESIDENT: As a matter of fact, the question time is already over and the answer cannot be pressed for, but if there is no objection two or three questions that are still left may be taken up, as to-day is the last day of this session.

(There was no objection.)

Library of the Legislature.

***32. Khan Sahib ABDUL HAMID CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he has taken any step for the formation of the Joint Library Committee of the Bengal Legislature?

(*b*) Will he be pleased to state whether Government have taken any steps for the change in the nomenclature of the Library from the Legislative Assembly Library to the Library of the Bengal Legislature as decided by Government and, if so, what steps have been taken by Government for enforcing its decision?

(*c*) Will he be pleased to state the strength of the staff sanctioned for the Library and what is the pay of each one of the Library staff both ministerial and as well as inferior?

(*d*) Have permanent staff of the Library been recruited and whether the staff has been recruited through the Public Service Commission, Bengal?

(*e*) If so, when was the approval of Public Service Commission obtained? Were all the posts advertised? If not, which of the posts were advertised and which were not?

(*f*) Will he be pleased to state if the Library staff has not been permanently recruited yet and, if so, do Government propose to consult the Joint Committee of the Library in such matters before the appointments are made permanently?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*), (*b*) and (*f*) The honourable member is referred to the Rules regulating the Control and Management of the Library of the Bengal Legislature a copy of which is placed in the Library.

(*c*), (*d*) and (*e*) The staff is not under my control but I have asked for details on which these parts of the question can be answered.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that His Excellency the Governor has made rules with respect to this Library Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already referred to it in my answer.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that there is to be a Joint Library Committee of both the Houses?

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*Question No. 31 was not put as the Hon'ble Minister-in-charge of this Department was not present.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not follow the question.

Mr. LALIT CHANDRA DAS: Whether by rules framed by His Excellency the Governor it has been decided that there will be a Joint Library Committee consisting of 7 members of both the Houses?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to my answers to (*a*), (*b*) and (*f*).

Khan Sahib ABDUL HAMID CHOWDHURY: With reference to (*b*), will the Hon'ble Minister be pleased to state if it is not a fact that the rules already framed have not been given effect to?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Khan Sahib ABDUL HAMID CHOWDHURY: But the notice is already there in paragraph (*b*).

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the question is whether the rules have been given effect to, and I have simply asked for notice. I think that is a perfectly legitimate answer.

Khan Sahib ABDUL HAMID CHOWDHURY: With regard to (*c*), (*d*), and (*e*), will the Hon'ble Minister be pleased to state if the answer will be forthcoming without any further notice?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. I think he will have to put a question again if he wants an answer; or as he is a member of the Library Committee, he can raise the question there.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether it is not a fact that the staff of the Library has been placed under the control of the Joint Library Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the rules.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please explain what he means by "I have asked for details" etc.? May I take it that the Hon'ble Minister knows what the rules are as framed by His Excellency the Governor?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, unless Mr. Das reads the rules, it is difficult for me to reply to this question.

Mr. LALIT CHANDRA DAS: Sir, not that I have not read the rules, but I also may presume that the Hon'ble Minister has read them in his turn. The rules say that the control and management of the Library has been placed under the Library Committee.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a statement of fact and not a question.

Expenditure on Irrigation.

33. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) what amount was spent on irrigation during last three years in (*i*) the Burdwan and Presidency Divisions, and (*ii*) the rest of Bengal;

(*b*) what percentage of the amount so spent was recoverable and what was actually recovered during last 3 years; and

(*c*) what percentage of the amount spent is to be borne by Government and not to be recovered?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) The expenditure during last three financial years (1937-1940) inclusive of overhead charges was—

Major irrigation works—Burdwan Division—Rs. 3,48,039.

Capital expenditure: Revenue expenditure (*i.e.*, working expenses)—Rs. 14,19,146.

Surveys in Burdwan and Presidency Divisions and smaller irrigation works in Burdwan Division—Rs. 4,80,964.

No expenditure was incurred for the rest of Bengal on irrigation works.

(*b*) and (*c*) The capital outlay on major irrigation works is not recoverable. The revenue derived from them is intended to meet the working expenses and the interest charges on the capital. Actual revenue derived from the works mentioned above for the period were—

Major irrigation works—Rs. 15,46,081.

Smaller irrigation works—Rs. 18,327.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that a large tract of country in the Mymensingh district requires irrigation facilities in the Dacca Division?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, probably it does.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Then, how is it that no expenditure has been incurred for the rest of Bengal and how is it that nothing has been spent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: First of all, because no schemes were ready irrigation schemes cannot be taken up simultaneously in every part of the province.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it in the contemplation of Government that schemes will be started before long?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. KADER BAKSH: Is it in the contemplation of Government to start irrigation work in the districts of Jalpaiguri, Dinajpur and Rangpur, inasmuch as the last budget provided an amount of Rs. 4 lakhs for a contour survey of these districts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Mr. PRESIDENT: The Council now stands adjourned for 15 minutes for the evening prayer.

(The House was then adjourned for 15 minutes for prayer.)

(After adjournment.)

Point of Privilege.

Mr. HUMAYUN KABIR: Sir, before you take up the business of the House, may I submit that I gave notice of an adjournment——

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is not a notice of adjournment——

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I have a matter of privilege to mention. I think a point of privilege should have priority over all other matters.

Mr. PRESIDENT: I will hear about the adjournment motion afterwards. Khan Bahadur, what is your point of privilege?

Khan Bahadur NAZIRUDDIN AHMAD: I beg to mention certain difficulties which we, members of this House, suffer from for want of stationery, such as letter papers, envelopes, etc. These are no longer, available in the office. I think there was a grant of Rs. 300 allotted with which stationery used to be bought by the department from the Printing Press and then sold to the members at cost price or at a profit and the receipts duly credited to Government. Now, Sir, it is said that the money supplied by the Government is exhausted and that the sale proceeds of the stationery have been credited to Government with the result that there is no money to procure more stationery and so we are greatly inconvenienced——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I rise on a point or order? Is that a point of privilege?

Khan Bahadur NAZIRUDDIN AHMAD: Yes, certainly it is a point of privilege. To use these letter papers and envelopes is certainly an exclusive privilege enjoyed by the members of this House. The Hon'ble Minister may not feel it as a privilege of the House, perhaps because he has himself a free and inexhaustible supply of note-papers and envelopes in addition to his monthly Rs. 2,500. We do not grudge him that. We have to pay for the stationery and we want them on payment of the price.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The honourable members get not only note-papers but something in addition.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, we have to spend more than what we earn as members. If the Government would supply this fund, then the stationery could be bought by the department and sold to members; for the Government it is only a matter of book adjustment. Government have not to incur any real expenditure at all—it is something like an ordinary imprest advance from which these articles could be bought and sold to the members. It means great convenience to the members and it means no real expenditure to Government. I suggest that some action may be taken in the matter to remove the serious inconvenience.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I fully support what my friend Mr. Naziruddin Ahmad has said in drawing

attention of the Government to the inconvenience caused by want of stationery. I beg to add that in the old Council, we used to get ample supply of postage stamps and letter papers, envelops, postcards, etc.——

Mr. RANAJIT PAL CHOWDHURY: Free of cost?

Rai Bahadur KESHAB CHANDRA BANERJEE: No, not free of cost. We used to purchase from here instead of going to the post office. I would like to add also one thing more. We have been deprived of the telephone directory meant for use in the lobby and on enquiry it has been elicited that as the Assembly is not in session it is not required. May I draw the attention of the House to this fact that the members of this House have been deprived of the use of the telephone directory simply because of the fact that the Legislative Assembly is not now in session, as if the directory is meant only for the use of the Legislative Assembly and not for the use of the Legislative Council. This is a matter which should engage the immediate attention of the Government.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government undertakes to enquire into this matter and to have the grievance redressed, if possible, as early as they can.

Khan Bahadur NAZIRUDDIN AHMAD: That is a conditional promise; it does not help us or comfort us in the least.

Action taken on Resolution.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, in accordance with sub-rule (2) of rule 95 of the Bengal Legislative Council Procedure Rules I have the honour to place for the information of the Council the following statement regarding actions taken by Government on the Resolution regarding ship-building industry in Bengal, that was passed by the House on the 6th September, 1940.

A copy of the resolution together with a copy of the debate thereof in the Council has been forwarded to the Government of India.

Adjournment Motion.

Mr. PRESIDENT: I have received notice of an Adjournment motion from Mr. Humayun Kabir—

"that the business of the House do stand adjourned to discuss a matter of definite and urgent public importance, viz., the

situation created by the failure of the Government to properly represent to the Government of India the loss, hardship and inconvenience to be caused to the public as well as the trading interests of the country by the proposed suspension of the Kalukhali-Bhatiapara Railway line of the Eastern Bengal Railway system within the district of Faridpur."

A subject connected with railway administration is ordinarily a Federal matter. If the honourable member can satisfy the House that the matter is really concerned with the convenience of the local public and if the Government is also agreeable to have a discussion, then alone such matters can be discussed in the Provincial Council.

Mr. HUMAYUN KABIR: Sir, I take it that I need not try to argue the point as to whether this matter is definite or urgent. On these two points, I think, you will admit that the matter is certainly definite and urgent and the only question is whether the Provincial Government have any responsibility in the matter, whether they can waive responsibility and say that this is a Federal subject and therefore directly, the Government of Bengal have nothing to do with it. At first sight this might seem a plausible proposition. At first sight one might think that the Government of Bengal have no responsibility in matters of maintenance or suspension of railways. But, Sir, it is inconceivable that railway lines of this type could have been suspended or a decision of this nature could have been taken without reference to the Government of Bengal. Either a reference was made to the Government of Bengal by the Railway Board or a reference was not made. If a reference was not made, I think, Sir, the Government of Bengal are guilty of omission in not regarding it as their duty to point out to the Railway Board the consequences of such action on the locality concerned. If, on the other hand, the matter was referred to the Government of Bengal, then it would mean that they did not represent the matter sufficiently strongly to the Federal Railway Board to convince it that the suspension of this railway system would cause great inconvenience to the public as well as the trading interests of the area, and I think this would equally be a failure on the part of the Government of Bengal to discharge their duties properly. I may mention here, Sir, that this area has no other means of communication. There are no roads, no bus service and there are no steamer services either and the railway line is the only means of communication for a very large portion of this area. Again, the line is a small one of only about 50 miles. We find from the answer to a question which the Government has given us only to-day that it is the intention of the Government to proceed with the present road development programme throughout the province. The war is not going to interfere in any way with their road development programme in this province. If that is the case, I think

here, in the case of this Kalukhali-Bhatiapara railway line, the suspension of this railway is tantamount to interfering with the existing means of communication and transport. Not only——

Mr. PRESIDENT: Order, order, the honourable member is going into the merits of the motion. Before I give my ruling whether the motion is in order or not, I would like to hear Government in this matter.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, I venture to submit that this rule 98 of the Bengal Legislative Council Procedure Rules is very precise and the rule runs thus: "No motion for adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance shall be admissible if it relates to a matter which is not primarily the concern of the Provincial Government". Certainly, Sir, railway is not primarily the concern of the Provincial Government. Secondly, the honourable member maintains that Government did not represent the matter sufficiently—here he assumes that the Government failed in their duty and it is on this ground he wants to move this motion of adjournment; and so, Sir, it is not a definite matter of urgent public importance. He is himself not sure of the facts.

Mr. HUMAYUN KABIR: Before you give your ruling, Sir, may I have your permission to make my submission——

Mr. PRESIDENT: Order, order. In these matters, as I have said more than once, if a little explanation from the Government might help to satisfy the members and the public, I hope the Hon'ble Minister will be well-advised to briefly explain the circumstances whereupon the mover of the motion may not press his adjournment motion.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Yes, Sir, I am prepared to place certain facts before the House. As soon as it came to the notice of the Government of Bengal that the Government of India was contemplating abolition of this line, this Government protested and protested very strongly. The Hon'ble Maharaja Srischandra Nandy, of Cossimbazar, Minister of Communications and Works, went to Delhi, saw the Hon'ble Minister in charge of the Communications Department of the Government of India, discussed with him and explained to him the undesirability of the abolition of this line. Very recently, the Hon'ble the Chief Minister, the Home Minister, the Finance Minister and the Minister in charge of Agriculture and Industries practically waited in deputation on the Minister in charge of the Communications Department of the Government of India

and they tried to explain the facts why this line should not be abolished. But I understand that the Government of India already made up their mind, for reasons of their own which I need not disclose here, to abolish this line.

Mr. PRRESIDENT: I think after the explanation from the Leader of the House, Mr. Humayun Kabir will not press his motion and it may not be necessary for the Chair to give any ruling.

Mr. HUMAYUN KABIR: Sir, I have nothing to say when the Government of Bengal tried and failed.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, before you take up other business, may I just ask the permission of the House for extending the date for the submission of the report of the Select Committee of the Bengal Public Demands Recovery (Amendment) Bill, by Mr. Nur Ahmed, M.L.C., the last date was 26th October?

Mr. PRESIDENT: Order, order. I think the motion relates to non-official business. To-day being fixed for official work, we cannot take up a non-official matter before all official business is completed. We shall have first to finish the amendments recommended by His Excellency the Governor to-day. After finishing the amendments and other official business if there is time, this motion may be considered.

Recommendations of His Excellency the Governor regarding the Bengal Tenancy (Amendment) Bill, 1940.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, I beg to move that recommendations of His Excellency the Governor contained in his message under section 75 of the Government of India Act, 1935, with regard to the Bengal Tenancy (Amendment) Bill, 1940, be considered in detail and that the amendments to the Bill recommended by His Excellency be taken into consideration and passed as settled in the Council.

Mr. PRESIDENT: Motion moved: that recommendations of His Excellency the Governor contained in his message under section 75 of the Government of India Act, 1935, with regard to the Bengal Tenancy (Amendment) Bill, 1940, be considered in detail and that the amendments to the Bill recommended by His Excellency be taken into consideration and passed as settled in the Council.

Mr. PRESIDENT: The question before the House is: that recommendations of His Excellency the Governor contained in his message under section 75 of the Government of India Act, 1935, with regard to the Bengal Tenancy (Amendment) Bill, 1940, be considered in detail and that the amendments to the Bill recommended by His Excellency be taken into consideration and passed as settled in the Council.

(The motion was agreed to.)

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, I beg to move that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, be taken into consideration——.

Mr. PRESIDENT: Order, order. The first motion that should have been placed before the House was that His Excellency the Governor's recommendations be considered in detail and after its acceptance the other part of the motion about *passing* should have been separately put to the House. The motions should have been put to vote separately. There being no objection, I would desire to put all the amendments to vote at a time.

Khan Bahadur NAZIRUDDIN AHMAD: May I, Sir, make some observations on the motion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: How can a member make any observation, Sir, after the motion has been declared passed by the Chair?

Mr. PRESIDENT: Did you move the whole motion at a time or in parts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. I moved the whole motion and the whole motion was put from the Chair and declared passed.

Mr. PRESIDENT: That is so. But now I feel that the honourable members were under a misapprehension; they perhaps thought that only the first portion of your motion was put and declared passed, namely, that the recommendations of His Excellency be taken into consideration in detail. In that view of the matter, I think there need not be any objection to the House discussing the amendments.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But, Sir, my motion is one entire motion, as it stands on the agenda. So, how can it be divided into parts?

Mr. PRESIDENT: Even though the entire motion may be moved at a time, yet the Chair may in his discretion put the parts separately to the House. It is evident that most of the members were not clear in their minds whether the entire motion or only the first part was put to vote. The Chair has the right to divide a motion into two or more parts for the purpose of voting.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, certainly the Chair has that right but, Sir, it was not so declared by you beforehand.

Mr. PRESIDENT: If the House desires that it would like to vote on this particular motion in two parts, then it may claim the right to do so.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not question that right of the House, but what I do submit is that I moved the motion in whole and not in parts, nor did you declare that the motion would be voted upon in parts. So how can the matter be discussed now, after the Chair has declared it passed? That is my submission, Sir.

Khan Bahadur NAZIRUDDIN AHMAD: The fact is that we were under a misapprehension and thought that only the first part of the motion was put to the House.

Mr. J. B. ROSS: May I make a submission, Sir, in respect of this matter? The motion is in two parts—namely, that the amendments recommended by His Excellency the Governor be taken into consideration and the other that the said amendments be passed as settled in the Council. If the Council does not get an opportunity of discussing the amendments, then how can it be said that the amendments were passed as "settled in Council"? That is the point I make, Sir.

Mr. PRESIDENT: Then, again, I would draw the Hon'ble Minister's attention to the words "be considered in detail". That "detailed consideration" has not been given.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the Hon'ble Leader of the European group stands on his right, then I, too, will certainly stand on mine. As regards the re-opening of the matter, I would again submit to you, Sir, that while putting the motion you did not stop at the words "considered in detail," but you read out the whole motion, put the whole motion to the vote and declared it passed. This being the case, I submit that I do not see how the House has the right to re-open the matter.

Mr. J. B. ROSS: We desire to speak on this motion, Sir, and give expression to our opinion on the matter. I am sure that honourable members did not understand that the whole matter would be taken to be settled as soon as the Hon'ble Minister had read out the motion. We understood that it was to be considered in detail. Surely, the latter portion means that an opportunity should be given to the House to express its views!

Mr. PRESIDENT: I hope the Leader of the House will not press his point of objection.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: All right, Sir, I will submit to your decision.

Mr. PRESIDENT: The first portion has been accepted by the House. Now we come to the next portion. But before I put it to the vote I would like to hear the honourable members who wish to speak on it.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the recommendations of His Excellency the Governor. In doing so I have certain comments to make. These amendments are admittedly an improvement on the Bill. Sir, it was found that there were two serious gaps in the original Government Bill. A member from our side of the House, Khan Bahadur M. Shamsuzzoha, submitted two amendments to rectify them. There was support from every side of the House for them. But the difficulty was that one of these amendments tended to extend the scope of the amending Bill and on that technical ground you felt bound to rule it out of order. And so, that palpable lacuna was allowed to remain in an important Bill like this.

Now, Sir, we are extremely grateful to His Excellency the Governor for coming to our rescue and to the rescue of the Bill itself. His Excellency has indeed given the House great compliment by accepting those necessary amendments and recommending them back to the Legislature. In these circumstances, we gratefully acknowledge the service done by His Excellency to the cause of the Upper House. The Upper House did much solid work in respect of this Bill; the gaps were absolutely clear and obvious, but on account of technical reasons and for no fault of ours we could not cure them. But we have now got an opportunity for rectifying them. I submit that so far as this House is concerned, it should gratefully accept the recommendations *in toto*.

Mr. J. B. ROSS: Sir, I rise to support the acceptance of the amendments which have been placed before the House and I think that in doing so an explanation will be expected of me in regard to what

might be considered a *volte face* on the part of my Party. It will be remembered that when one of the Coalition Party's amendments in connection with this Bill came before this House, the European Party raised the point of order that the amendments were not in order, as they widened the scope of the Bill and you, Sir, were pleased to uphold that submission and to rule the amendment our of order. Our object in raising that point of order was one of principle, because it is a very wholesome view to hold that amendments which enlarge the scope of a Bill should not be admitted. But as those amendments have now come back with the recommendation of His Excellency the Governor, they should be accepted. We, having raised our point of order, are now prepared to admit that they do fill up a lacuna in the Bill and they should be accepted. We, having raised our point of order, are motion before the House.

Mr. KAMINI KUMAR DUTTA: Sir, at the outset I may say on behalf of my Party that the amendments recommended by His Excellency the Governor no doubt make for some improvement. In this connection, I would just like to mention that whenever an amendment had been put forward from the Opposition Benches, it was brushed aside without considering its merits. That has been the treatment we have received so far in this House and this is one of the clear instances in which an amendment put before the House from the Congress Benches and summarily rejected by the voting strength of the Coalition Party has been acknowledged as sound by the recommendation of His Excellency. In sub-clause (*5*) of clause 3 of the Bill, the proposed sub-section 13 relating to the Bill has been thoroughly amended. I remember very distinctly that I myself drew the attention of the House to this fact that the Bill as then drafted tended to create a peculiar position in the eye of law because according to the Civil Procedure Code the District Judge had no power to entertain any appeal of which the valuation was more than Rs. 5,000. So, practically by confining all appeals to the District Judge, appeals on any matter in which the valuation would be more than Rs. 5,000 would be excluded. But as usual it received very scant courtesy from the other side. And even then I did remark that we were enacting a law which would be really impracticable in its operation in the law courts. I did also draw attention to the fact that the jurisdiction of the District Judge had been limited by an independent act which we were not amending and so really we could not extend the jurisdiction of the District Judge. It appears that afterwards this point did not escape attention and the matter, rather the defect has been amended. Now ample power has been given as regards the right of appeal and the provisions of the Code of Civil Procedure have been made applicable to the right of appeal. Of course, even as to the right of appeal and as to the jurisdiction of the court the Civil Procedure Code itself is not

exhaustive. However, as in the amendment provisions of the Code of Civil Procedure, 1908, have been made applicable, it would include also the applicability of the provisions of the Civil Codes Act and to that extent this enactment would be regarded as quite rational. And for this, if any one is to be congratulated it is the Congress Party, in that the suggestion made by the Congress Party and the amendment proposed by the Congress Party have now been found acceptable.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Mr. President, Sir, while supporting the amendment moved by the Leader of the House while submitting the recommendation of His Excellency the Governor I am glad to say that it is a matter of satisfaction that His Excellency's recommendation has been an improvement on the present Bill. It is a matter of congratulation also to the House that His Excellency has agreed to the suggestion made by the Congress Party and also by the other parties. The previous speaker has already said that the amendment made by the Khan Bahadur Sahib has been incorporated in the Bill although at the time when it was moved, you, Sir, had ruled it out. But it is true to say that by accepting the proposed amendment the character of the Bill has been improved greatly. Sir, I must congratulate the Congress Party that they have been able to achieve their object because His Excellency has accepted their views. The Leader of the Opposition has truly observed that it is a matter of great regret that whatever suggestions are made from this side of the House, either from the Congress Party or from this party, they are rejected by the other side without going into the merits or de-merits of the question. There is not a single instance when the Government have accepted any suggestion made from my party. There is no doubt about it, as has been suggested by the Coalition Party, and if you would look up the previous proceedings, you will find that all the amendments that had been put from this side of the House had been rejected even though some of the Government side members themselves had expressed their intention that they would like to support them but that being forced by the Party they could not do so. That is the attitude of the Party in power. The Party which commands a superior numerical strength in the House abuses or misuses the power entrusted to them. This is most regrettable. However, Sir, I and my party are thankful to His Excellency for his accepting the amendments of both these sides of the House.

Mr. PRESIDENT: Before putting the motion that the amendments recommended by His Excellency in his Message be passed, as settled in the Council, I consider it necessary to explain the circumstances under which I had to rule out of order certain amendments tabled in connection with the Bengal Tenancy (Amendment) Bill, 1940, when

it was being discussed in the Council. It is true that an amendment was tabled by Mr. Shamsuzzoha of a similar nature to the first amendment now recommended by the Governor, but it was disallowed by the Chair on the ground that its effect will be widening the scope of the Bill. I pointed out at the time that "the scope of an amending Bill is very much restricted". The intention of the member-in-charge of the Bill or even the purpose of an enactment will not in any way help an amendment to be in order unless the Title, the Preamble and the sections of the Bill bring the amendment within the scope of the Bill. If often happens that due to bad drafting or acceptance of amendments in the Select Committee without sufficient scrutiny, the main purpose or intention of a Bill is largely frustrated, but the duty of the Chair is clear. He cannot allow amendments, which are clearly beyond the scope to remedy any lacuna in law. It is evident from the Statement of Objects and Reasons of this Bill that the purpose of the Bill was to amend certain sections of the Bengal Tenancy Act in the manner stated in the clauses of the Bill, but any attempt to widen the scope beyond the scope of those clauses for the benefit of the tenants, however laudable it may be or to make up for any lacuna in the law however desirable, is not permissible under accepted Parliamentary procedure. I suggested at the time that the defects of bad drafting, unless it would be brought within the scope of the Bill was to be remedied by an amending Bill. The course adopted is one to which the Chair is, under the constitution, precluded from raising any objection. The decision of His Excellency the Governor in his discretion to recommend under section 75 of the Government of India Act any amendments which His Excellency thinks proper and desirable is entirely beyond any criticism of the Chair or the House.

With these remarks, I place the motion to the House.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, we would like to hear the Leader of the House on this point.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, I have nothing more to add. I commend my motion to the acceptance of the House.

Mr. PRESIDENT: The question before the House is: that the amendments recommended by His Excellency the Governor be accepted by the House and passed.

(The motion was agreed to.)

The Bengal Local Authorities Census Expenses Contribution Bill, 1940.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, I beg to move that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, be taken into consideration.

The question before the House is: that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, be taken into consideration.

(The motion was agreed to.)

Clauses 1 and 2.

Mr. PRESIDENT: The question before the House is: that clauses 1 and 2 stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. PRESIDENT: The question before the House is: that clause 3 stand part of the Bill.

(The motion was agreed to.)

Clauses 4, 5 and 6.

Mr. PRESIDENT: The question before the House is: that clauses 4, 5 and 6 stand part of the Bill.

(The motion was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is: that the Title and the Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, I beg to move that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, as settled in the Council, be passed.

The question before the House is: that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940 (as passed by the Assembly).

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940 (as passed by the Assembly), be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940, as passed by the Assembly, be taken into consideration.

(The motion was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, with regard to this amending Bill I have only one comment to make. I had ventured to put forward an amendment to the original Bill but it was rejected on the technical ground that it would widen the scope of the Bill. Now this amending Bill has been brought forward to amend the lacuna and I am grateful to the Hon'ble Minister for doing so.

Clauses 1 and 2.

Mr. PRESIDENT: The question before the House is: that clauses 1 and 2 stand part of the Bill.

(The question was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Title and the Preamble be added to the Bill.

(The question was agreed to.)

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to move that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940 (as passed by the Assembly), be passed, as settled in the Council.

The question before the House is: that the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940, as passed by the Assembly, be passed, as settled in the Council.

(The question was agreed to.)

The Bengal Rural Poor and Unemployed Relief (Amendment) Bill, 1940.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce a Bill to amend the Bengal Rural Poor and Unemployed Relief (Amendment) Bill, 1940.

I also beg to move that the Bill be taken into consideration.

Mr. PRESIDENT: I may say that the ordinary convention is that when a Bill is introduced the other stages are not taken up on the very same day, but as the Bill is a very short one, it does not matter.

Motion moved: that the Bengal Rural Poor and Unemployed Relief (Amendment) Bill, 1940, be taken into consideration.

(The question was agreed to.)

Clauses 1, 2 and 3.

Mr. PRESIDENT: The question before the House is: that clauses 1, 2 and 3 stand part of the Bill.

(The question was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Title and Preamble be added to the Bill.

(The question was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bengal Rural Poor and Unemployed Relief (Amendment) Bill, 1940, as settled in the Council, be passed.

(The question was agreed to.)

Public Demands Recovery Bill, 1940.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I, with your permission, now that the business in the agenda is finished, move that the time for the submission of the report of the Select Committee on the Bengal Public Demands Recovery Bill, 1940, of Mr. Nur Ahmed, be extended up to the 15th February, 1941?

Mr. PRESIDENT: Yes.

Motion moved that the time for the submission of the report of the Select Committee on the Bengal Public Demands Recovery Bill, 1940, of Mr. Nur Ahmed, be extended up to 15th February, 1941.

The question before the House is: that the time for the submission of the report of the Select Committee on the Bengal Public Demands Recovery Bill, 1940, of Mr. Nur Ahmed, be extended up to 15th February, 1941.

(The motion was agreed to.)

Prorogation.

Mr. PRESIDENT: Order, order. I have it in command from His Excellency the Governor that the Bengal Legislative Council do now stand prorogued.

Members absent.

The following members were absent from the meeting held on the 12th December, 1940:—

(1) Mr. Narendra Chandra Datta.

(2) Mr. Mahomed Hossain.

(3) Khan Bahadur Syed Muhammad Ghaziul Huq.

(4) Khan Bahadur M. Abdul Karim.

(5) Khan Bahadur Muhammad Asaf Khan.

(6) Mr. Naresh Nath Mookerjee.

(7) Khan Bahadur Kazi Abdur Rashid.

(8) Dr. Radha Kumud Mookerji.

B. G. Press—1940-41—11122A—750.

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B. G. Press—1940-41—12515A—750.